

30.09.2020

Ct. No. 19

CRR 1336 of 2020
With
CRAN 1 of 2020

In the matter of:- Sanjoy Sarkar @ Bappa & Anr. ...petitioners

Mr. Ashok Kumar Chowdhury.
...for the petitioners.

Mr. Swapan Banerjee,
Ms. Purnima Ghosh.
...for the State.

This is an application seeking expeditious disposal of a trial under Sections 21(C) of the NDPS Act.

Learned Counsel appearing on behalf of the petitioners submits as follows. Although the First Information Report was lodged in 2019 and the petitioners are in custody in connection with the present case since 16.10.2009, till date the proceeding has not been concluded. Charge sheet was filed on 09.12.2019 without chemical report and with the prayer that a supplementary charge sheet shall be filed along with the chemical report. However, the same has not been happened till date. As a result, the impugned proceeding has remained pending.

Learned Counsel appearing on behalf of the State submits that it will be in the interest of justice if the proceeding is expedited.

I have heard the submissions of the learned Counsels appearing on behalf of the petitioners and the State and have perused the revision petition.

It is unfortunate that although a charge sheet was submitted on 09.12.2019, till date the chemical reports in question could not be collected. The petitioners who are in custody cannot be made to suffer for the inaction on the part of the investigating agency in filing of necessary chemical report.

No prejudice will be caused to anyone, if a direction for

expeditious disposal is passed in this case.

In view of the above and in the interest of justice, I direct the investigating officer to collect the chemical report in question at the earliest and if the said report had not been prepared till date, to make necessary communication with the testing facility for preparing over the report at the earliest. Subject to this, the learned Trial Court is also requested to conclude the proceedings as expeditiously as possible.

With these observations, the revisional application is disposed of.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)