

22.02.2021

Item no. 2

Ct. No.42

CHC

**C.R.R. No.1424 of 2020
(Physical Hearing)**

In Re:- An application under Section 482 read with Section 401 of the Code of Criminal Procedure, 1973.

And

In the matter of:-

Mojibur Rahaman

... Petitioner

Ms. Pramita Banerjee

... for the petitioner

Mr. Saswata Gopal Mukherjee, Ld. P.P.

Mr. Arijit Ganguly

...for the State

Learned advocate, Ms. Pramita Banerjee for the petitioner submits that there has been no commencement of the trial as yet after framing charge against the custody accused.

Ms. Banerjee further submits that in the second paragraph of the order dated 21.10.2020 it has been inadvertently recorded that there has been examination of two witnesses, out of 32 witnesses, which has invited trouble to the progress of the case.

Mr. Arijit Ganguly, learned advocate representing the State submits that the next date fixed was for consideration of the charge, and taking into such account, the operative portion of the order may accordingly be clarified.

Having considered the submission of the learned advocates for the parties, learned court below is directed to frame the charge on

the date so stipulated, and if for any reason the same cannot be framed, the charge may be peremptorily framed within three weeks thereafter.

After framing of charge, the learned trial court is further directed to expeditiously dispose of the case taking support and cooperation from the learned Public Prosecutor without granting unnecessary adjournment.

With this direction, the order dated 21.10.2020 passed in C.R.R.1424 of 2020 stands clarified and/or modified.

This order be treated as part of the order dated 21.10.2020.

Department to take appropriate steps accordingly.

(Subhasis Dasgupta, J.)

