

19.11.2020
p.b./ab
Ct. No.13

CRR 1528 of 2020
(via video conference)

In re: Selim Sk. & Anr.

.....Petitioners

Mr. Rabiul Islam,
Ms. P. Banerjee.

.....for the petitioners.

Mr. Arijit Ganguly.

.....for the State.

The petitioner undertakes to affirm and stamp the petitioner as per the Rules within 48 hours of resumption of normal functioning of the court. The petition is taken up through video conference on the basis of such undertaking.

This is an application 482 read with Section 401 of the Code of Criminal Procedure.

The petitioner is in jail for the last two years and six months in connection with Lalgola P.S. Case No.300/2018 dated 21.5.2018 under Sections 21(c)/29 of the NDPS Act for the alleged possession of 375 grams of cell-phone paper containing suspected to be white powder or heroin with four mobiles which were all seized from the person undergoing trial. The Lalgola P.S. Case No.300/2018 dated 21.5.2018 under Sections 21(c)/29 of the NDPS Act was registered and after investigation the final charge sheet was submitted and trial has been

nearly concluded. It is at the stage of examination of the accused persons under Section 313 Cr.P.C. The last evidence was recorded on 3.3.2020 as per submission made by the petitioner and there has been seer delay and laches on the part of the machineries. The date for examination of the accused under Section 313 Cr.P.C. was fixed on 21.4.2020, but the learned trial court had kept the matter adjourned and thereby the delay has been caused. It is submitted that the speedy trial is the fundamental right of the person undergoing trial.

I have heard learned advocate for the petitioner and the learned advocate for the State.

My attention is invited to an order dated 19.9.2019 passed in CRR 1803 of 2019 whereby the Co-ordinate Bench of this Court had directed the proceeding to be disposed of mandatorily and positively within a period of six months from the date of communication of the order. It is alleged that the said order has not been complied with.

I do find from the record that the date for 313 has totally fixed and order passed routinely which is against the principle as laid down in by the Supreme Court and since the petitioner is undergoing trial from the custody, it is desired on the part of the learned trial court to conclude the trial according to the statement of the accused persons under Section 313 Cr.P.C. and to

pass the judgment on hearing the argument to be advanced by the learned advocate for the parties.

Be that as it may, the learned trial court is directed to dispose of the application being CRR 1528 of 2020 as expeditiously as possible preferable within a period of three months from the date of communication of the order.

(Shivakant Prasad, J.)