

Sr. 15
08-01-2021
s. d.
ct, no.42

CRR 1827 of 2020

Bachhu Biswas

-versus-

The State of West Bengal

In the matter of : An application under Section 482 read with Section 483 of the Code of Criminal Procedure filed on 4th January, 2021 in connection with Case No. N—217/2018 arising out of Habra P. S. Case No. 1003 of 2018 dated 10.12.2018 under Section 21(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985 pending before the learned Additional District and Sessions Judge, 6th Court, Barasat, North 24 Parganas.

Mr. Angshuman Chakraborty
Mr. S. S. Saha

.....for the petitioners.

Mr. Md. Anwar Hossain
Ms. Sreyashee Biswas

....for the State.

The petitioner is aggrieved by the fact that although he is in custody since 10.12.2018 yet, no witness has been examined by the prosecution before the learned trial court.

It has been submitted that the petitioner was arrested on 10.12.2018, chargesheet was submitted on 29.01.2019, supplementary charge-sheet was submitted on 09.08.2019 and charge was framed on 05.11.2019.

It has further been brought to the notice of the court that the prosecution in order to prove its case has relied upon eight witnesses. In view of the fact that the petitioner is in custody for more than 2 years, I am of the opinion that the learned trial court should fix regular dates/schedule for expeditious disposal of the case. The learned court, therefore, should fix dates once in every two months and the such dates should be fixed after the learned Public Prosecutor conducting the case assures the court regarding the availability of the witnesses.

No unnecessary adjournment should be granted to either of the parties and in case any witness is absent without any sufficient cause, the learned trial court would be at liberty to exhaust the harsher process of law.

All efforts must be taken by the learned trial court to take the trial to its logical conclusion within a reasonable period of time keeping in mind the spirit of Article 21 of the Constitution of India.

With the aforesaid observations, CRR 1827 of 2020 is disposed of.

Urgent Photostat certified copy of this order, if applied for, be given to the parties upon compliance of all formalities.

(Tirthankar Ghosh, J.)