

15.01.2021
Item no.4
Ct. No.42
CHC

**C.R.R. No.23 of 2021
(Physical Hearing)**

In Re: An application under Section 483 read with Section 482 of the Code of Criminal Procedure, 1973.

In the matter of:-

Saifuddin Gayen
.....petitioner

Mr. Satadru Lahiri,
Mr. Safdar Azarm'
... for the petitioner

Mr. Saswata Gopal Mukherji, Ld.P.P.,
Mr. Arijit Ganguly
... for the State

The item is found listed under the heading "To Be Mentioned" for furnishing a report revealing, if any chemical report has already been submitted or not.

Mr. Arijit Ganguly, learned advocate representing the State furnishes the report and submits that chemical report has already been collected and in the instant case supplementary charge-sheet has been furnished.

Let the report be kept on record.

Learned advocate for the petitioner, Mr. Lahiri seeks expeditious disposal of the pending case on the simple score that accused is in custody since July, 2019, wherein there is alleged recovery of 5.5 litres of Codeine mixture.

Though the matter is appearing under heading “To Be Mentioned”, but the instant revisional application may be disposed of by passing a simple direction, where there has been no commencement of trial as yet.

Learned advocate for the State raises no objection against the disposal of the instant case and rather he supports the disposal of the instant revisional application. Next date in the learned court below is fixed on 15.2.2021.

Expeditious disposal is guaranteed under the provisions of the Constitution and the Court should always remain vigilant to protect the personal liberty of the petitioner, particularly when he is in custody, since July, 2019. The constitutional guarantee has to be ensured keeping in view the congestion of cases of the learned court conducting the trial.

Learned court below is directed to frame charge on the next date fixed making effective utilization of the date, and if for any reasons, the same could not be made, the charge may be peremptorily framed within three weeks thereafter. After framing charge, the learned court below is directed to schedule date or dates so as to make effective utilization of the date or dates, for collection of the evidence taking sincerest support and cooperation from the prosecution aiming at ensuring expeditious disposal of the pending case.

With this direction/observation, the instant revisional application stands disposed of.

All parties shall act in terms of copy of this order downloaded from the official website of this Court.

Urgent Xerox certified copy of this order, if applied for, be supplied to the parties, subject to compliance with all requisite formalities.

(Subhasis Dasgupta, J.)