

Sr. 40
07-01-2021
s. d.
ct, no.42

CRR 42 of 2021

Rahul 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 7th January, 2021 in connection with Case No. N—35/2019 arising out of Basirhat P. S. Case No. 113 of 2019 dated 31.01.2019 under Sections 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 petitioner.

Mr. Arijit Ganguly
Mr. Sanjib Kumar Dan

....for the State.

Leave is granted to the petitioner to amend the cause title.

The petitioner is aggrieved by the fact that he is in custody for more than 23 months. It has been further submitted that the charge-sheet was submitted on 28.02.2019 and supplementary charge-sheet was filed on 28.11.2019. It has also been pointed out that the charge

has been framed on November, 2020 and the next date is fixed on 22.02.2021.

It has further been submitted that the prosecution in order to prove its case has relied upon 12 witnesses and majority of the witnesses, if not all, belong to the Government Department.

In view of the long detention of the petitioner, it is directed that the learned trial court after fixing schedule in February, 2021 would fix schedule of the case at regular intervals and such schedule should be fixed after the learned Public Prosecutor conducting the case assures the court regarding the availability of the witnesses.

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

As the petitioner is in custody for long 23 months, reasonable efforts must be taken by the learned trial court to take the trial to its logical conclusion.

With the aforesaid observations, CRR 42 of 2021 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.)