

Item No.26
Ct.No.42
dc.

C.R.R. 45 of 2021

**Samir Roy
versus
The State of West Bengal**

In Re: An Application under Section 482 read with Section 483 of the Code of Criminal Procedure filed in connection with Case No. N-65/19 arising out of Basirhat P.S. Case No. 256/2019 dated 23.03.2019 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. S. S. Saha ... For the Petitioner.

Md. Anwar Hossain,
Ms. Sreyashee Biswas ... For the State.

The petitioner is aggrieved by the manner in which the trial of the case is progressing before the learned Additional District and Sessions Judge, 6th Court, Barasat, North 24-Parganas. The grievance of the petitioner is that the petitioner was arrested on 23.03.2019; charge-sheet was submitted on 31.03.2019; supplementary charge-sheet was submitted on 01.10.2020 and till date no charge has been framed against him by the learned trial court.

It has been submitted by the learned advocate for the petitioner that the next date is fixed on 06.02.2021 and the prosecution in order to prove its case has relied upon eight witnesses.

The learned advocate for the petitioner is directed to serve a copy of the application upon Mr. Anwar Hossain, learned advocate who ordinarily appears for the State.

In view of the fact that the petitioner is in custody for almost 22 months, I am of the opinion that the learned trial court should take steps for overcoming the stage of framing of charge on the next date so fixed or within a week thereafter.

The learned trial court in order to proceed with the case should fix dates/schedules at regular intervals so that the trial of the case can be taken to its logical conclusion within a reasonable period of time.

No unnecessary adjournment should be granted to either of the parties and in case, any of the witnesses is absent on vague or flimsy grounds, the learned court below would be at liberty to exhaust harsher process of law.

All efforts must be taken by the learned court below keeping in mind the spirit of Article 21 of the Constitution of India.

With the aforesaid observations, CRR 45 of 2021 is disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance with the necessary formalities.

(Tirthankar Ghosh, J.)