

13.01.2021
Item no.19
Ct. No.42
CHC

C.R.R. No.72 of 2021

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

In the matter of:-

Mukul Islam Molla
.....petitioner

Mr. Angshuman Chakraborty,
Mr. Shashanka Shekhar Saha
... for the petitioner

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

This relates to secure a direction for expeditious disposal of a N.D.P.S. Case, now pending before the learned Additional District and Sessions Judge, 6th Court (Special Court), at Barasat, 24 Parganas North, vide Case No. N 225 of 2018.

It is submitted by learned advocate, Mr. Angshuman Chakraborty representing the petitioner/accused that the petitioner is in custody. Charge has already been framed for alleged recovery of 5.5 litres of codeine mixture.

The grievance of the petitioner is that even after charge being framed, there has been no substantial progress in the trial with

collection of evidence of any of the witnesses, out of charge-sheeted witnesses.

Mr. Arijit Ganguly, learned advocate representing the State submits that due to intervention of the pandemic the ordinary function of the court has been disturbed to a large extent, which may cause some delay in the further progress of the trial. Since the accused is in custody, an expeditious disposal is always encouraged subject to the congestion of cases of the learned court holding the trial. However, the expeditious disposal is a constitutional guarantee which the court below must try to achieve protecting liberty of the petitioner after putting his sincerest effort to that effect.

Having considered the submission of both sides and bearing in mind the impact of the intervention of COVID 19, the Court is of the view that justice would be best subserved by disposing of the case with following direction.

Learned court below is directed to make effective utilization of the dates, scheduled for examination of the witnesses without granting any adjournment, unless it is extremely unavoidable aiming at ensuring expeditious disposal of the pending case after providing sufficient opportunities of hearing to either of the parties to the case.

With this direction, the 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.)