

22.01.2021
Item no.18
Ct. No.42
CHC

**C.R.R. No.125 of 2021
(Physical Hearing)**

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

In the matter of:-

Pradip Das & anr.

.....petitioners

Mr. Angshuman Chakraborty,
Mr. S. S. Saha

... for the petitioners

Mr. Saswata Gopal Mukherji, Ld. P.P.
Mr. Arijit Ganguly

... for the State

This Court is approached under Section 482 of the Cr.P.C. soliciting a direction for expeditious disposal of a case under N.D.P.S.Act bearing No. N 72 of 2020 of learned Additional District and Sessions Judge, 6th Court, (Special Court under N.D.P.S. Act) Barasat, North 24 Parganas.

Mr. Chakraborty, learned advocate representing the petitioners submits that petitioners are in custody from 11th March, 2020 for the alleged recovery of contraband, above commercial quantity.

It is further submitted that though the charge has been framed already in this case, on 9th December, 2020, but there has been no progress in the trial with collection of evidence.

Mr. Chakraborty, learned advocate for the petitioner further contends that since petitioner no.2 is having some Kidney problem rendering his one of the kidneys to go damaged, an expeditious disposal of the pending case is thus urged.

Upon perusal of the documents so far annexed with the instant revisional application, there lies nothing to reveal that one of the kidneys of the petitioner no.2, has been damaged, as focused by the learned advocate for the petitioners.

Mr. Ganguly, learned advocate representing the State submits that since charge has been framed on 9th December, 2020 and next date has been fixed in the month of February, 2021 for collection of evidence, there has been substantial advancement of case and no such delay, as alleged to have occasioned in this case is actually caused. However, when the petitioners are in custody, expeditious disposal is always encouraged, subject to making visualization of the congestion of cases, now pending in the learned court below conducting trial in the instant case.

Mr. Ganguly, learned advocate for the State further contends that with the intervention of COVID-19, the ordinary function of the court has been largely disturbed which may be taken in view, if the prayer for expeditious disposal is acceded to.

Having considered the rival submission of the parties, the Court is of the view that the instant revisional application may be

disposed of, so as to subserve the purpose of justice, as proposed to be obtained by passing the following direction.

Learned court below is directed to make effective utilization of the dates scheduled taking assistance of the learned prosecutor conducting the trial, aiming at expeditious disposal however, without granting unnecessary adjournment, unless it is extremely unavoidable.

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.)