

CRR 150 of 2021

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

Chandan Kumar Mondal
Vs.
The State of West Bengal

Md. Bani Israil
.....For the Petitioner
Mr. Madhusudan Sur, Ld. A. P. P.
Mr. Dipankar Paramanick
.....For the State

The court is approached under Section 482 of the Code of Criminal Procedure soliciting a direction for expeditious disposal of a pending NDPS case of learned Judge, Special Court under N.D.P.S. Act of Murshidabad at Berhampore.

Admittedly the petitioner is in custody for last two years for the alleged recovery of contraband, above the commercial quantity.

Learned advocate Md. Bani Israil representing the petitioner submits that though date was fixed twice for examination of accused person under Section 313, Cr. P. C, but those two dates could not be utilized for the reasons best known to the learned Judge conducting the trial. For the delay caused in the examination of the trial, it is contended that there has been protraction in the trial.

Mr. Sur, learned advocate representing the State furnishes a report, submitted by S. I. of Police, Lalgola PS, MSD

to reveal the exact status of the pending case.

The report submitted is taken on record.

It appears from the report that next date is fixed on 8th February, 2021 for examination of accused person under Section 313, Cr. P. C.

Adverting to a copy of the order, passed in CRR 2428 of 2019, dated 19th September, 2020, learned advocate for the petitioner further contends that though there has been previous direction for culmination of the trial mandatorily within six months from the date of communication of this order, but the spirit of the order has not been complied with as yet.

It cannot be disputed that the effect of Covid-19 surfaced over the entire country has disturbed the ordinary function of Court to a large extent, and the first dated 19th October, 2020. could not be effectively utilized simply for intervention of COVID-19. So far as the second date 13th January, 2021 is concerned, the court below even in the midst of pandemic has attempted to acquire its normalcy with respect to the ordinary discharge of the court. Without going into the details, when date has already been fixed for examination of accused person under Section 313, Cr. P. C., the revisional application may be disposed of, so as to subserve the purpose of justice, as proposed to be obtained from the court giving direction mentioned as hereunder.

Learned trial judge is directed to make effectively utilize the date, so far fixed for examination of the accused persons under Section 313, Cr. P. C., and would try to finish the case

after adhering to the provisions of law within best possible opportunity, aiming at ensuring expeditious disposal, and further upon sensing the message already contained in CRR No. 2428 of 2019.

With these observations and directions CRR 150 of 2021 stands disposed of.

(Subhasis Dasgupta, J.)