

22.1.2021

ks.

Ct. 42, sl.13

CRR 168 of 2021

Jahangir Alam
vs
State of West Bengal

Mr. Pradip Kumar Kundu
...For the petitioner.
Mr. Sudip Ghosh,
Mr. Bitosok Banerjee
... For the State.

The court is approached for a direction to secure expeditious disposal of a pending case under NDPS Act now pending before the learned Additional District Judge, 2nd Court, Berhampore, Murshidabad (Special Court under NDPS Act, vide NDPS Case No.156 of 2015.).

At the threshold of this case, the attention of this court is drawn by the learned Advocate for the petitioner to the order dated 22nd January, 2020 passed in CRR 170 of 2020 disposing of the revisional application with a direction upon the trial court to fix regular dates, and not to grant any unnecessary adjournment to either of the parties. The principal contention, as expressed by the learned Advocate for the petitioner, is that the direction has not been complied with, and thus the spirit of the order passed in CRR 170 of 2020 is going to be frustrated, and for which a further direction has been solicited, so that the pending case may be expeditiously disposed of fixing a outer limit for the purpose.

Reacting to the contention raised by the petitioner, Mr. Bitosok Banerjee, learned Advocate representing the State submits that

the petitioner surrendered before the learned court below on 17th January, 2018 and thereafter charge in this case has been framed on 1st June, 2019 for the alleged recovery of contraband which is above the commercial limit. Till date, one witness has been examined, out of eight witnesses, cited in the charge-sheet.

It appears from the order passed in CRR 170 of 2020 that such direction referred to above, was passed on 22.1.2020. It is not in dispute that in the 3rd week of March, 2020 Covid-19 has surfaced over the entire country causing a massive disturbance to the ordinary function of the court. Learned Advocate for the State submits that bearing in mind the direct impact of Covid-19 disturbing largely the ordinary function of the court, there cannot be any direction fixing any outer limit for the disposal of the pending case.

Having considered the rival submission of the parties, it appears that fixation of outer limit in the given circumstances of the case for conclusion of trial would neither be feasible, nor advisable at the moment. When there has already been a direction, passed in CRR 170 of 2020, this court is of the view that the learned court below would sincerely try to comply with the direction, already contained in CRR 170 of 2020 upon sensing the pious desire of the High Court as regards the disposal of this case. However, in order to redress the contention now raises by the learned Advocate for the petitioner, let there be a further order directing the learned court below to make effective utilization of the dates of the schedule after taking support and cooperation from the learned Public Prosecutor

conducting the trial so as to ensure expeditious disposal in terms of the earlier direction contained in CRR 170 of 2020.

With this direction and observation, this revisional application stands disposed of.

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

(Subhasis Dasgupta, J.)