

12.01.2021
Item no.1
Ct. No.42
CHC

C.R.R. No.622 of 2020

In Re: A petition under Article 227 of the Constitution of India.

In the matter of:-

Tarun Kanti Sarkar
.....petitioner

Mr. Ayan Bhattacharjee,
Mr. Sharequl Haque,
Mr. Aditya Ratan Tiwari
... for the petitioner

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

The matter is found listed under the heading “To Be Mentioned” for a report. Though the matter is listed under the heading “To Be Mentioned”, but the Court has already received the report revealing the progress of the trial. There are reasons to hold that there is no apparent impediment to dispose of the case to which both parties are agreeable to the issue.

The report was called for from the concerned learned trial judge so as to reveal the progress of trial together with the number of documentary evidence produced, after it was relied upon by the prosecution. Report of the learned trial Judge is submitted through Registrar (Judicial Service), High Court, Calcutta.

It appears from the report that till date five witnesses have been examined, out of 10 (ten) chargesheeted witnesses, and thereafter the prosecution case was closed. As regards production of the documentary evidence, 7 (seven) documents were relied upon by the prosecution and the same were marked exhibits. Likewise, four documents from the side of defence were marked exhibits. Victim/de facto complainant, after the examination of four witnesses, filed a petition, dated 6th November, 2019 which was disposed of on consent on 27th January, 2020. Thereafter, P.W.5 was examined on 20th February, 2020. This is all about the progress of the trial together with collection of documentary evidence, relied upon by each of the parties involved in this case.

Mr. Ayan Bhattacharjee, learned advocate for the petitioner/victim expresses his dissatisfaction with regard to the manner in which prosecution was undertaken for the victim in this case and submits that several valuable and material witnesses, though cited in the charge-sheet, could not be examined in this case.

Learned Additional Public Prosecutor, Mr. Arijit Ganguly in reply submits that the most dependable witnesses were all examined, and the right of producing witnesses is the prerogative of the prosecution, which was duly discharged, while conducting the trial.

Upon consideration of the rival submission of the parties and bearing in mind the progress of the trial, the Court finds reasons

to dispose of the instant revisional application with the following direction.

Learned trial court is directed to dispose of the pending case expeditiously providing sufficient opportunity of hearing to either of the parties to this case and decide the issues involved in this case in accordance with the principles governing the justice delivery system.

With this direction, the instant criminal revisional application stands disposed of.

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.)

