

24.2.2021

ks.

Ct. 42, sl.20

CRR 456 of 2021

Shamad Khan @ Samad Khan

vs

State of West Bengal.

Mr. Koustav Bagchi

...For the petitioner.

Mr. S.G. Mukherjee, Ld. P.P.,

Mr. Anwar Hossain,

Ms. Sreyashee Biswas

... For the State.

The court is approached under Section 482 Cr.P.C. soliciting a direction to ensure expeditious disposal of a case No.N-65 of 2019 now pending before the learned Judge, Special Court, Barrackpore under Section 21(c) of the NDPS Act.

Admittedly, the petitioner is in custody and charge in this case has already been framed. The contention raised by the petitioner is that long date has been fixed for collection of evidence causing delay with the progress of the trial.

Mr. Mukherjee, learned Public Prosecutor representing the State submits that since there has been congestion of cases, long date might have been fixed and the ordinary function of the court has been largely disturbed for the onset of Covid-19, which may be taken into account, while recording any direction for expeditious disposal of this case.

Having considered the rival submission of the parties and bearing in mind the impact of Covid-19, the court is of the view that instant revisional application may be disposed of, so as to sub-serve the purpose of justice, as proposed to be obtained, by giving direction mentioned hereinbelow:

The learned Trial Court is directed to make effective utilization of the dates, taking support and co-operation from both parties to the case, aiming at ensuring expeditious disposal of the pending case, without granting unnecessary adjournment, unless it is extremely unavoidable.

It is, however, made clear that since the accused is in custody, a sincere endeavour is expected from the trial court to fix short date or dates while scheduling the date or dates for collection of evidence, subject to the congestion of similar nature of cases pending in his court.

Liberty is given to make an application proposing for preponement of date, and if any application is made, the court below will try to dispose of the same upon sensing the purport of this order.

With this direction and observation, the revisional application is disposed of.

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

(Subhasis Dasgupta, J.)