

Form No. J(2)

IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION

Present:

The Hon'ble Justice Jay Sengupta

C.R.R. 635 of 2020

Tausif Zaman

-vs-

The State of West Bengal

For the Petitioners : Ms. Ankita Bose

For the State : Mr. Prasun Kumar Dutta,
Mr. Pratick Bose

Heard on: 09.02.2021

Judgment on: 09.02.2021

Jay Sengupta, J.:

Learned counsel appearing on behalf of the petitioner submits that although this is an application for quashing of a proceeding, the petitioner would not like to press the same and would instead pray for an expeditious disposal of the impugned proceeding.

Accordingly, the prayer for quashing of the impugned proceeding is rejected as not pressed.

Supplementary affidavit filed on behalf of the petitioner is taken on record.

A copy of the application along with a copy of the supplementary affidavit is served upon Mr. Dutta and Mr. Bose, learned advocates who are present in Court and who ordinarily appear on behalf of the State. They are requested to appear in the matter. Their engagement be regularised by the competent authority of the State.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is one of the accused in the impugned proceeding under Section 420 of the Indian Penal Code. Although the impugned proceeding was initiated as far back as in March, 2016, till date the same could not be completed. Only a charge sheet has been submitted. One of the accused has been remained absconding and a direction had been passed for execution of warrant of arrest against him in 2020. The petitioner made an application before the learned trial court for splitting up of the case. However, by an order dated 6.2.2020, the learned trial court dismissed the application as premature and misconceived. In the circumstances, the petitioner prays that since the proceeding is pending against him since 2016, the matter may be split up as against the non-appearing accused and be proceeded with. The impugned proceeding has remained pending for no fault of the

present petitioner. The impugned proceeding ought to be expedited in the interest of justice.

Learned counsel appearing on behalf of the State, in his usual fairness, submits that if a proceeding is delayed for so long, it will be open to the learned Magistrate to consider the issue of splitting up of the proceeding and the Court may pass appropriate direction in this regard.

I have heard the submissions of the learned counsels appearing on behalf of the petitioner and the State and have perused the revision petition.

No prejudice will be caused to anyone if a direction for an expeditious disposal of the proceeding is passed in this case.

It appears that the impugned proceeding is pending since 2016. In spite of several directions, attendance of the absconding co-accused could not be secured.

The petitioner cannot be deprived of his right to speedy trial simply because a co-accused is absconding.

In view of the above and in the interest of justice, I set aside the order dated 6.2.2020 passed by the learned Magistrate and direct that the learned trial court shall split up the trial and pass an appropriate order in this regard and

proceed as against the appearing accused and conclude the proceeding as expeditiously as possible.

With these observations, the revisional application is disposed of.

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

(Jay Sengupta, J.)