

1.3.2021

ks.

Ct. 42, sl.11

CRR 468 of 2021

Mira Dutta & Ors.

vs

State of West Bengal & Anr.

Mr. Arunabha Jana,
Ms. Rituparna Ghosh,
Mr. Sourav Sardar
... For Petitioners.

Mr. Saibal Bapuli,
Mr. Arijit Ganguly,
Mr. Sanjib Kr. Dan
... For the State.

Affidavit-of-service furnished by the petitioners be kept on the record.

The court is approached under Section 482 Cr.P.C. soliciting a direction to secure expeditious disposal of a case now pending before the learned Judicial Magistrate, 5th Court, Barrackpore, vide G.R. Case No.5256 of 2012 under Sections 447/323/325/427/34 IPC.

Mr. Jana, learned Advocate representing the petitioners submits that even after expiry of eight years from the date of institution of the case, the pending case has not been disposed of causing serious prejudice to the petitioners. Delay in the progress of the trial is one and only contention expressed by the petitioners in justification of his proposed claim for recording a direction to ensure expeditious disposal of a pending case.

Mr. Bapuli, learned Advocate representing the State submits that charge in this case has already been framed in the year 2013 and thereafter progress of the trial could not be satisfactorily reached for the witnesses not having turned up on

on the scheduled date for collection of the evidence. It is also submitted by Mr. Bapuli that due to the onset of Covid-19, the ordinary function of the court has been largely disturbed, which has to be taken in view, if any direction to expeditious disposal is recorded in this case.

Admittedly, this is a Magistrate triable case and the petitioners are highly displeased with the delay caused in the progress of trial.

Having considered the rival submission of the parties and bearing in mind the impact of Covid-19, the instant revisional application may be disposed of, so as to sub-serve the purpose of justice, as proposed to be obtained giving a direction mentioned as hereunder.

Learned Magistrate of the court below in connection with G.R. Case No.5256 of 2012(Learned J.M., 5th Court, Barrackpore) is directed to expeditiously dispose of the case making effective utilization of the dates, taking support and co-operation from the learned Public Prosecutor as well as the learned defence counsel, without granting unnecessary adjournment. It is clarified that the court reposes trust and confidence upon the learned Magistrate that bearing in mind the date of institution of this case, the learned Magistrate shall try to conclude the trial of this case within a reasonable period of time, preferably within a period of one year from the date of communication of this order.

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

The department is directed to forthwith communicate this order to the learned court below through the concerned District Judge for giving necessary compliance of this order.

The petitioners are also given liberty to communicate this order to the learned court below.

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

(Subhasis Dasgupta, J.)