

03.03.2021
Item no.8
Ct. No.42
CHC

**C.R.R. No.482 of 2021
(Physical Hearing)**

In Re: An application under Section 482 read with Section 401 of the Code of Criminal Procedure, 1973.

In the matter of:-

Md. Munna
.....petitioner

Ms. Sonali Das
.....for the petitioner

Mr. Saswata Gopal Mukherji, Ld. P.P.
Mr. Partha Pratim Das,
Ms. Aindreela Chakraborty
...for the State

The Court is approached under Section 482 Cr.P.C. for a direction to ensure expeditious disposal of a pending NDPS case of learned Additional Sessions Judge, 6th Court, Barasat, under Section 21(c) of N.D.P.S. Act vide case No.N-4/2019.

Ms. Das, learned advocate representing the petitioner submits that even after framing charge long before, there has been no substantial progress in the trial recording evidence for the purpose, and as a result of which petitioner being in custody is unnecessarily made to face undue hardship. The delay thus caused in the progress of the trial is the one and only ground in support of the prayer for expeditious disposal.

Admittedly, petitioner is in custody since 27th December, 2018 for the alleged recovery of the contraband, which is above the commercial quantity.

Mr. Partha Pratim Das, learned advocate representing the State submits that the charge in this case has already been framed and the court has already scheduled dates for collection of evidence of witnesses, as already cited in the chargesheet.

It is contended by the State that because of the pandemic, that already surfaced the entire country, the ordinary function of the Court has largely been disturbed. The onset of COVID 19, according to State, has to be kept in view so as to make proper consideration of the prayer for expeditious disposal.

Having considered the rival submission of the parties, the Court is of the view that the instant revisional application may be disposed of, so as to subserve the purpose of justice, as proposed to be obtained, giving direction mentioned as hereunder.

The learned court below is directed to make effective utilization of the dates so far scheduled for collection of evidence taking support and cooperation from either of the parties to this case, aiming at ensuring expeditious disposal, without granting unnecessary adjournment, unless it is extremely unavoidable.

The Court makes it clarified that since the accused is in custody, sincere and honest endeavour is expected to be put by the learned court below, while scheduling the dates for collection of evidence giving short dates to the extent possible, subject to the congestion of similar nature of cases pending in his Court.

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

All parties shall act in terms of copy of this order downloaded from the official website of this Court.

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.)