

03.03.2021
Item no.9
Ct. No.42
CHC

**C.R.R. No.489 of 2021
(Via Video Conference)**

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

In the matter of:-

Sk. Raju
.....petitioner

Mr. Koustav Bagchi
.....for the petitioner

Mr. Sudip Ghosh, Sr. Govt. Advocate
Mr. Bitasok Banerjee
...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 District and Sessions Judge, 1st Court, Barrackpore, North 24 Parganas vide Case No. N-62 of 2019.

Learned advocate, Mr. Bagchi representing the petitioner submits that the petitioner is in custody since 22nd April, 2019 for the alleged recovery of contraband, above the commercial quantity.

It is contended by the learned advocate for the petitioner that since the accused is in custody, the case of the custody accused should be expeditiously disposed of. It is thus grossly contended

that till date charge could not be framed against the accused person.

Mr. Ghosh, learned advocate representing the State submits that learned court below has already fixed date for consideration of the charge and it is due to the pandemic, the date so far fixed for consideration of charge could not be effectively utilized.

It is not disputed by either of the parties to this case that the onset of COVID 19 has largely disturbed the ordinary function of the court.

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

Learned court below is directed to make effective utilization of the date so far fixed for consideration of charge, and if for any reasons whatsoever the same could not be done, the charge may be considered and/or framed within three weeks thereafter peremptorily, aiming at ensuring expeditious disposal of the instant case, without granting unnecessary adjournment to either of the parties, unless it is extremely unavoidable.

Since the accused is in custody, the learned court below is directed to accommodate the case giving short dates, while scheduling dates for collection of evidence 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.)