

05.03.2021
Item no.7
Ct. No.42
CHC

**C.R.R. No.499 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:-

Manirul Sardar & anr.
.....petitioners

Ms. Sonali Das
.....for the petitioners

Mr. Saswata Gopal Mukherji, Ld. P.P.
Md. Anwar Hossain,
Ms. Sreyashee Biswas
...for the State

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

The Court is approached under Section 482 Cr.P.C. soliciting a direction to ensure expeditious disposal of N.D.P.S. case being Case No.N-170 of 2019, now pending before the learned Additional Sessions Judge, 6th Court, Barasat (Special Court under NDPS Act).

Learned advocate, Ms. Sonali Das representing the petitioners submits that petitioners are in custody for more than 500 days, for the alleged recovery of contraband, above the commercial quantity. Since the petitioners are in custody, according to the

petitioners, the case of the petitioners has to be expeditiously disposed of.

Mr. Hossain, learned advocate representing the State submits that the learned court below has already framed charge and scheduled the case for collection of evidence, with a direction upon the prosecution to produce all the witnesses. That being the position, according to Mr. Hossain, there lies nothing to be interfered with so as to give the direction for expeditious disposal.

It cannot be disputed by any of the parties to this case that onset of COVID-19 has disturbed the ordinary function of the Court to a large extent.

Having considered the rival submission of the parties and bearing in mind the impact of COVID-19, the Court is of the view that the instant revisional application may be disposed of, so as to subserve the purpose of justice, giving direction mentioned as hereinbelow.

The learned court below is directed to make effective utilization of the dates, so far schedule, aiming at ensuring expeditious disposal, taking support and cooperation from either of the parties to this case, without granting unnecessary adjournment, unless it is extremely unavoidable. While making such exercise, the Court is advised to resort to Section 309 Cr.P.C. by taking incidental steps for the purpose so that the rational decision may be reached with a reasonable period of time after ensuring expeditious disposal.

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

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.)