

05.03.2021
Item no.8
Ct. No.42
CHC

**C.R.R. No.500 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:-

Golam Mondal
.....petitioner

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

Mr. Saswata Gopal Mukherji, Ld. P.P.
Mr. Arijit Ganguly
...for the State

Affidavit-of-service filed in Court today 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-4 of 2020, now pending before the learned Additional Sessions Judge, 6th Court, Barasat (Special Court under NDPS Act).

Learned advocate, Ms. Sonali Das representing the petitioner submits that the petitioner is in custody since 30th December, 2019, and since then the charge could not be framed against the accused person in order to ensure expeditious disposal of pending case against him.

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

Mr. Ganguly, learned advocate representing the State challenges the submission of petitioner submitting that the Court has already fixed date for consideration of the charge on 16th March, 2021, and on the date so scheduled, the court is about to consider the charge, proposed by the prosecution in this case. It cannot be disputed that due to the onset of COVID 19, the ordinary function of the court has been largely disturbed.

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 hereunder.

Learned court below is directed to make consideration of the charge on the date so stipulated, and if for any reason the same could not be effectively utilized, the charge may be framed three weeks thereafter peremptorily, aiming at ensuring expeditious disposal, without granting unnecessary adjournment, unless it is extremely unavoidable. Since the accused is in custody, it is desirable that the learned court below will be sincere enough to resort to Section 309 Cr.P.C. by taking incidental steps so as to ensure expeditious disposal of this case by reaching logical conclusion of this case within a reasonable period of time.

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.)