

05.03.2021
Item no.9
Ct. No.42
CHC

**C.R.R. No.501 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:-

Asit Raptan @ Puri & anr.
.....petitioners

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

Mr. Madhusudan Sur, Ld. A.P.P.
Mr. Manaranjan Mahata
...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-161 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 the petitioners are in custody since 5th October, 2019 for the alleged recovery of contraband, above the commercial quantity.

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

Mr. Sur, learned advocate representing the State opposes the prayer submitting that in this case charge-sheet was submitted on 3rd December, 2019 following which supplementary charge-sheet after collection of chemical report was submitted on 4th February, 2021. Next date, according to Mr. Sur, is fixed on 22nd February, 2021. Thus, according to Mr. Sur, in this case there cannot be any direction to ensure expeditious disposal, since trial has not yet been commenced.

Learned advocate for the petitioners however contends that on the date fixed for supply of copy, no copy could be supplied to the petitioners.

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, giving direction mentioned as hereunder.

Learned court below is directed to make consideration of the charge on the date to be reasonably fixed after supplying copies to the petitioners, and preferably within a period of two months from the date of communication of this order, aiming at ensuring expeditious disposal of this case, without granting unnecessary adjournment, unless it is extremely unavoidable. While aiming at ensuring expeditious disposal of the pending case, learned court below is free to resort to Section 309 Cr.P.C. taking all other

incidental steps required for the purpose so as to ensure expeditious disposal for reaching a logical conclusion 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.)