

01.03.2021
Item no.39
Ct. No.42
CHC

**C.R.R. No.502 of 2021
(Physical Hearing)**

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

In the matter of:-

Abdul Hossain Mondal

... Petitioner

Mr. Subhajit Chowdhury

... for the petitioner

Mr. Saswata Gopal Mukherji, Ld. P.P.

Md. Anwar Hossain

...for the State

The Court is approached under Section 482 Cr.P.C. soliciting a direction to ensure expeditious disposal of a case being No. N-125 of 2020, now pending before the Learned Additional Sessions Judge, 6th Court, Barasat, North 24 Parganas.

One and only contention raised by the petitioner is that since the accused is in custody for the alleged recovery of contraband, beyond the commercial quantity, the case of the petitioner is deserved to be expeditiously disposed of.

Admittedly, the petitioner is in custody since 24th June, 2020.

Mr. Hossain, learned advocate representing the State submits that the learned court below has already fixed date on 3rd June, 2021 for consideration and framing of charge. Mr. Hossain,

submits that there cannot be any blanket direction for conclusion of the trial ignoring the impact of COVID 19, which has largely disturbed the ordinary function of the Court.

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, as proposed to be obtained, giving direction mentioned as hereinbelow.

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

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

Liberty is given for preponment of the date, and if any such is advanced, the learned court below shall consider the same subject to the congestion of similar nature of cases pending in his court. However, it is clarified that the learned court below shall make his sincerest efforts to expeditiously dispose of the case giving short date to the extent possible.

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.)