

05.03.2021
Item no.10
Ct. No.42
CHC

**C.R.R. No.511 of 2021
(Physical Hearing)**

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

In the matter of:-
Abhijit Sarkar & anr.
.....petitioners

Mr. Sudip Ghosh Chowdhury
....for the petitioners

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

The Court is approached under Section 482 Cr.P.C. soliciting
a direction to ensure expeditious disposal of N.D.P.S. Case No.41
of 2020, now pending before the learned Additional District and
Sessions Judge cum Judge, Special Court, Hooghly.

Learned advocate, Mr. Chowdhury representing the
petitioners submits that the petitioners are in custody since 2nd

August, 2020 and till date the charge could not be framed against the accused persons causing serious prejudice to the petitioners.

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

Mr. Ganguly, learned advocate representing the State submits that the learned court below has already fixed date for making consideration of chemical report on 30th March, 2021. It is thus contended by Mr. Ganguly that there cannot be any blanket direction in this case, because there has been no commencement of trial in this case.

It cannot be disputed by any of the parties to this case that due to onset of COVID 19, the ordinary function of the court has been large disturbed.

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

Learned court below is directed to consider the charge either on the date, so fixed, or on a date within one month thereafter, aiming at ensuring expeditious disposal of the pending case of the petitioners without granting unnecessary adjournment, unless it is extremely unavoidable. While making such exercise the learned court is free to resort to Section 309 Cr.P.C. taking all other incidental steps, as may be necessary in the interest of ensuring expeditious disposal of this case.

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.)