

05.03.2021
Item no.11
Ct. No.42
CHC

**C.R.R. No.512 of 2021
(Physical Hearing)**

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

And

In the matter of:-

Nayan Biswas

.....petitioner

Mr. Sudip Ghosh Chowdhury,

Mr. Arghya Das,

Mr. Abhishek Bose

....for the petitioner

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.57 of 2019, now pending before the learned Additional Sessions Judge cum Judge, Special Court, Hooghly.

Learned advocate, Mr. Chowdhury representing the petitioner submits that the petitioner is in custody since 23rd December, 2019 for the alleged recovery of the contraband, above the commercial quantity.

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

Mr. Ganguly, learned advocate representing the State challenges the submission submitting that there cannot be any blanket direction for expeditious disposal of this case, because the trial has not yet been commenced in this case, though court has already fixed date for consideration of the charge on 6th May, 2021.

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

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

The 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 effectively utilized, the charge may be considered and/or framed three weeks thereafter peremptorily, aiming at ensuring expeditious disposal of this case, without granting unnecessary adjournment, unless it is extremely unavoidable. While making such exercise, the learned court below is free to resort to Section 309 Cr.P.C. by taking all

other incidental steps as may be necessary so as to ensure expeditious disposal in 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.)