

27.01.2021
Item No.13
Ct. No.42
CHC

C.R.R. No.906 of 2020
(Physical Hearing)

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

In the matter of:-

Rahaman Sardar
.....petitioner

Mr. Rabi Sankar Chattapadhyay,
Ms. Payel Shome
... 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 Sessions Case No.35 (6) of 2014/S.T.1(12) 17 under Sections 147/148/149/302/120B of the Indian Penal Code, now pending before the Learned Additional Sessions Judge, 8th Court, Alipore, South 24 Parganas.

Petitioner/de facto complainant is highly dissatisfied with the progress of the trial, and thus has sought for a direction for the effective advancement of the trial in this case.

According to learned advocate for the petitioner the occurrence was held sometime in 2014, and after undertaking investigation chargesheet was submitted against the 17 (seventeen) accused persons, out of which 10 (ten) accused

persons could be brought on record and the rests are still absconding.

It is contended by the learned advocate for the petitioner that unless a direction is recorded in this case, movement of the trial can no longer be expedited, because the manner of movement of the trial is not satisfactory at the moment.

The report is found called upon, and from the report submitted by the Superintendent of Police, Baruipore Police District dated 05.01.2021, through learned advocate, Mr. Arijit Ganguly representing the State, it appears that charge against one of the absconding accused person namely, Rajjak Molla was framed on 16th March, 2020 after he could be brought on record, even after part recording of evidence of de facto complainant/ Rahaman Sardar. The evidence of de facto complainant was adduced in part on 8th May, 2019. The report is further significant to reveal that due to the intervention of the COVID-19 situation, the ordinary function of the court has also been disturbed largely.

Mr. Ganguly submits that the next date has been fixed on 9th March, 2021 for collection of evidence of witnesses as cited in the charge-sheet.

It cannot be disputed that the effect of COVID-19 surfaced over the entire State, has disturbed ordinary function of the Court to a large extent. Moreso, delay in securing presence of the accused persons has contributed much to the progress of the trial, as some of the accused persons, are still avoiding process of the court, already issued against them.

Having considered the rival submission of the parties, the instant revisional application may be disposed of, so as to subserve the purpose of justice, as proposed to be obtained, by giving direction mentioned as hereunder.

Learned trial judge is directed to make effective utilization of the date scheduled for collection evidence, taking support and cooperation from the learned prosecutor conducting the trial, aiming at ensuring expeditious disposal, without granting any unnecessary adjournment, unless it is extremely unavoidable.

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

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.)