

11.01.2021
Item no.5
Ct. No.42
CHC

C.R.R. No.970 of 2020

In Re: An application under Section 483 read with Section 482 of the Code of Criminal Procedure, 1973.

In the matter of:-

Smt. Namita Nath
.....petitioner

Mr. Partha Pratim Das,
Mr. Debarita Mondal
... for the petitioner

Md. Sabir Ahmed,
Mr. Amit Karmakar
..for the private opposite party

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

This relates to a prayer for expeditious disposal of a pending case, alternatively for transfer to another Magistrate Court of the same sessions division taking resort to Sections 482/483 Cr.P.C.

Learned advocate Mr. Partha Pratim Das, for the petitioner candidly submits that the petitioner/de facto complainant is 90 years old woman and her only concern is to get expeditious disposal of the pending case. It is further submitted that if the trial cannot be concluded expeditiously in the court, where the case is now pending, the case may be transferred to Salt Lake within the same sessions division to a learned Magistrate.

Learned advocate for the State/opposite party Mr. Arijit Ganguly and for the opposite party nos.2 to 4, Mr. Sabir Ahmed submit in unison that expeditious direction should be considered in context with the pending status of the concerned court, because the court where the case is pending is highly congested and further that there cannot be any blanket direction limiting the time period of the trial so as to interfere with the prerogative of the learned Magistrate while holding the trial.

The significant fact is that the charge has not yet been framed in this case, and the next date is fixed on 22nd February, 2021 for framing of charge.

Upon consideration of the entire facts and circumstances and regard being had to the submission of both sides this Court is of the view that the instant revisional application may be disposed of by the following direction:

Learned Judicial Magistrate, Barasat, North 24 Parganas in connection with G.R. Case No.4573 of 2017 is directed to frame charge on the stipulated date as mentioned above, and for any reasons if the same could not be made possible, the same may be done within a fortnight thereafter. After framing of charge, the trial court is directed to conduct the trial in an expeditious manner without granting any unnecessary adjournment, unless the same is unavoidable, and, if necessary, by scheduling the case on consecutive dates bearing in mind the age of the defacto complainant.

With this direction, the instant criminal revisional application is disposed of reposing confidence upon both the parties that they will cooperate with the learned trial court to expeditiously conclude the trial.

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.)