

14.01.2021  
Item no.2  
Ct. No.42  
CHC

**C.R.R. No.1017 of 2020  
(Physical Hearing)**

In Re: An application under Sections 483/482 of the Code of Criminal Procedure, 1973.

In the matter of:-

Joyita Mukhopadhyay  
.....petitioner

Mr. Moyukh Mukherjee,  
Mr. Abhijit Singh,  
Mr. Koustav Lal Mukherjee  
... for the petitioner

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

The Case Diary, as directed to be produced by the previous order, dated 8<sup>th</sup> January, 2021, is produced by the learned advocate, Mr. Arijit Ganguly representing the State/opposite party no.1.

This is to secure a direction for expeditious disposal of a pending case vide S.T. No.02 (4) 2019 of learned Additional District Judge, Fast Track Court, 4<sup>th</sup> Court, Barrackpore arising out of Khardah Police Station Case No.358 dated 24<sup>th</sup> May, 2016 under Sections 304/341/325 of the Indian Penal Code.

Learned advocate Mr. Mukherjee representing the petitioner submits that due to non-cooperation of the learned conducting prosecutor of a sessions case, the case is being delayed leading to protraction, and as such a direction is thus needed to ensure

expeditious disposal of the pending case. Charge-sheet has been submitted long before.

It is further submitted by the learned advocate for the petitioner that due to non-cooperation of the concerned learned Public Prosecutor-in-Charge, learned trial court below conducting trial expressed his dissatisfaction and undertook the responsibility of framing charge *suo moto* on 5<sup>th</sup> April, 2019. The certified copy of the order is highly conspicuous of the reluctant attitude of the concerned learned prosecutor conducting the trial.

Admittedly charge has been framed on 5<sup>th</sup> September, 2019 and case has been scheduled thereafter for collection of evidence.

Learned advocate Mr. Ganguly representing the State/opposite party no.1 submits that there was some difficulty in tracing out the C.D. of this case, which could not be made available, while it was due to be produced before court below, but somehow the matter has been sorted out, and the C.D. has been identified in the meantime. With the production of the C.D. it is thus clear that the difficulties surfaced over non production of the C.D. is at bay. As regards the non-cooperative attitude, shown by the concerned learned Public Prosecutor, the Court believes that the learned court below may take appropriate steps seeking cooperation by intimating the matter to the learned P.P. of the concerned District, and if necessary to concerned D.M. of District seeking his intervention into the matter, so that trial could be smoothly held. When trial has commenced, the justice to the

parties may best subserved by disposing of the revisional application with following direction.

Learned court below is directed to make effective utilization of the dates, scheduled for examination of the witnesses taking required co-operation from learned Public Prosecutor without granting any adjournment, unless it is extremely unavoidable aiming at ensuring expeditious disposal of the pending case after providing sufficient opportunities of hearing to either of the parties to the case.

The Court reposes its confidence upon the present learned Public Prosecutor entrusted with the trial in the court below hoping that he will sincerely cooperate with the court below in concluding a fair trial.

With this direction, the 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.)**

