

07.04.2021

Item no.10

Ct. No.42

CHC

**C.R.R. No.807 of 2021
(Physical Hearing)**

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

And

In the matter of:-

Lily Sarkar

.....petitioner

Mr. Milon Mukherjee, Sr. Advocate

Mr. Santanu Talukdar

....for the petitioner

Mr. Y. J. Dastoor, Ld. A.S.G.

....for the C.B.I.

The Court is approached under Section 482 Cr.P.C. soliciting direction to ensure expeditious disposal of a case, now pending before the Learned Special (CBI) Court, Asansol, Paschim Burdwan in Special CBI Case No.58 of 2011 under Section 13(2) read with Section 13(1)(e) of the Prevention of Corruption Act, 1988.

The basic allegation raised against the husband of the petitioner is that during his tenure of service by reason of his different posting in different capacity, he had accumulated huge assets to the tune of Rs.58,95,541/- practising corrupt and dubious means, which according to the prosecution was disproportionate to his known source of income.

Mr. Mukherjee, learned Senior Advocate representing the petitioner submits that the husband of the petitioner already suffered death on 1st of February, 2019 and the present petitioner being the widow of the principal accused has been figured in this case as an abettor under the behest of Section 109 of Indian Penal Code.

Alleging the inordinate delay in the disposal of the pending CBI case, Mr. Mukherjee submits that time has come to interfere in the pending case giving a direction for arriving at logical conclusion of the case by the learned court below within a reasonable period of time.

Mr. Dastoor, learned Additional Solicitor General representing the C.B.I. submits that in the meantime Special Court has already examined 15 witnesses, out of 55 chargesheeted witnesses.

It is also submitted by Mr. Dastoor, learned A.S.G. that the court is trying hard to the extent possible to conclude the trial examining the required witnesses as already cited in the chargesheet.

It cannot be the matter of dispute that due to the on set of COVID 19 and its consequent impact, the ordinary function of the court has been largely disturbed to a great extent.

It is true that in this case, the period of offence covered from 2004 to 2007, and for which the F.I.R. was lodged on 29th February, 2008. Chargesheet in this case was submitted long before on 31st December, 2009. Charge has already been framed on 11th July, 2011.

The situation is thus very clear that within a period of last 10 years, the learned trial court has been able to examine 15 witnesses, out of 55 chargesheeted witnesses. It is given to understand that five witnesses in the meantime have left the world.

Having considered the submission of both sides and, 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 a direction mentioned as hereunder.

The learned court below is directed to expeditiously dispose of the pending case giving short dates to the extent possible, and if necessary by resorting to provisions available under Section 309 Cr.P.C. so that the trial of the case could be concluded within a reasonable period of time, preferably within a period of one year from the date of communication of this order to the learned court below.

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.)