

19.03.2021
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SB
Ct. No.32

CRR 853 of 2021

In the matter of : Kasem Ali Mondal & Ors.

Mr. A. Chakraborty
Mr. S. S. Saha ... for the Petitioners

Mr. Imran Ali
Ms. Debjani Sahu for the State

This is an application seeking an expeditious disposal of a proceeding in which the charge sheet was submitted under Sections 406 and 498A of the Penal Code.

Let a copy be served upon Mr. Imran Ali and Ms. Debjani Sahu learned counsels who ordinarily appear on behalf of the State. They are requested to appear in this matter. Their engagement may be regularised by the competent authority of the State in due course.

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioners are the accused in this case. Although the F.I.R. and the Charge Sheet were submitted as far back as in 2010, till date the proceeding could not be concluded. Long dates are being fixed, practically one day per year. Till date even charges could not be framed. On 13.06.2020 the next date was fixed on 06.05.2022. The proceeding has remained pending largely, for no fault on the part of the petitioners.

Learned counsel appearing on behalf of the State submits that fixing of such long dates cannot be sustained in the eye of law.

I have heard the submissions of the learned counsels for the petitioners and the State and have perused the revision petition.

No prejudice would be caused to any one if a direction is passed for an expeditious disposal of the case.

It appears that an inordinate delay was occasioned in concluding the present proceeding.

In any event, fixing dates nearly after two years, as on the last occasion, cannot be sustained in the eye of law. This is completely anti-thetic to the right of the accused to a speedy trial.

In view of the above and in the interest of justice, the learned Trial Court is directed to pre-pone the next date for hearing to any date in the month of June 2021 and decide the question of framing of charge on that date or within a fortnight from then and thereafter expeditiously conclude the proceeding without granting any unnecessary adjournment to any of the parties.

With these observations, the revision petition is disposed of.

Urgent photostat certified copy of this order, if applied for, is to be given to the parties upon usual undertakings.

(Jay Sengupta, J.)