

Form No. J(2)

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction
Appellate Side

Present:

The Hon'ble Justice Jay Sengupta

CRR 856 of 2021

ANARUL MISTRI
Vs.
STATE OF WEST BENGAL

For the Petitioner : Ms. Malashree Ghosh

For the State : Mr. Imran Ali
Mr. Debjani Sahu

Heard on: : 22nd MARCH 2021

Judgment on : : 22nd MARCH 2021

The Court:

This is an application seeking an expeditious disposal of a proceeding in which a charge sheet was submitted under Sections 21(c) of the N.D.P.S. Act.

Let a copy of this application 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 petitioner submits as follows. The petitioner is in custody since his date of arrest i.e., 14.11.2019. Despite the fact that the F.I.R. was lodged in November 2019

and the Charge Sheet was submitted in December 2019, till date the proceeding could not be concluded. There are seven prosecution witnesses as mentioned in the charge sheet. Since the petitioner was suffering a custody trial, he moved an application before this Court earlier in C.R.R. 205 of 2021, thereby praying for expeditious disposal of the proceeding. By an order dated 25.01.2021 passed by this Court, an expeditious disposal of the proceeding was directed. This order was brought to the notice of the learned Trial Court on 30.01.2021 and the same was kept on record. On the next date fixed for framing of charge i.e. on 25.02.2021, charge was framed under Section 21(c) of the NDPS Act. However, the date for evidence was fixed on 13.07.2021, nearly five months after the said date. This is totally against the spirit of the order passed by this Court that the trial ought to be concluded expeditiously.

Learned counsel appearing on behalf of the State submits that since the petitioner is facing custody trial, the impugned proceeding ought to be expedited.

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

It appears that some delay was occasioned in concluding the impugned proceeding, especially considering the fact that the petitioner is in custody since 14.11.2019.

It further appears that in spite of order passed by a Co-ordinate Bench of this Court earlier, date for evidence has been fixed nearly after five months.

The learned Trial Court ought to appreciate that the right of an accused to a speedy trial is too precious and should be scrupulously guarded by courts of law.

In view of the above and in the interest of justice, I request the learned Trial Court to pre-pone the next date of hearing to any date in the month of May, 2021 for taking evidence and thereafter conclude the trial as expeditiously as possible without granting any unnecessary adjournment to any of the parties, preferably within a period of ten months from the next date of hearing.

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.)