

07-04-2021
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Item No.47
Court No.42

C.R.R 974 of 2021

Abhijit Sarkar
-vs-
The State of West Bengal

Mr. Sudip Ghosh Chowdhury
Mr. Argha Das
Mr. Abhishek Bose
... For the petitioner.

The Court is approached under Section 482 Cr.p.c soliciting a direction to ensure expeditious disposal of a case being No. NDPS Case No.31 of 2019 under Section 20(b)(ii)(c) of NDPS Act now pending before the Learned Judge, Special Court, Hooghly.

Learned advocate submits that the petitioner is in custody for the alleged recovery of contraband, above the commercial quantity.

According to the learned advocate for the petitioner, the case of the custody accused needs to be expeditiously disposed of. Since the accused is in custody from 25th September, 2019, till date charge could not be framed against the petitioner causing serious prejudice to the petitioner. Thus for the delay caused in the commencement of trial, the petitioner has expressed his grievance seeking redress for the purpose.

The copy of the revisional application is directed to be served upon Mr. Arijit Ganguly, who is found present in Court and he ordinarily defends State being an empanelled Ld. Advocate for State.

The appearance of Mr. Ganguly be regularised taking

advantages of this order.

Mr. Ganguly, submits that the Court has already fixed date for consideration of the charge on 7th April, 2021.

It is contended by Mr. Ganguly that due to onset of Covid-19, the ordinary function of the Court has been disturbed to a large extent.

It cannot be disputed by any of the parties to this case that the consequent impact of Covid-19 has largely disturbed the entire affairs of the judiciary.

Having considered the submissions of the Learned Advocate of both sides, the Court is of the view that the instant revisional application may be disposed of, so as to subserve the purpose of justice as proposed to be obtaining by giving a direction mentioned hereunder.

Learned advocate of the Court below is directed to frame the charge either on the date so scheduled, or for any reasons whatsoever, the same could not be done, charge may be framed within one month thereafter peremptorily, providing sufficient opportunity of hearing to either of the parties to this case.

Since the accused is in custody, the learned Court below is further directed to ensure expeditious disposal of the pending case giving short dates to the extent possible and if necessary upon resorting to the provisions available under Section 309 of the Code of Criminal Procedure.

While attempting to ensure expeditious disposal, the congestion of similar type of cases pending in the Court below, must

also be taken care of by the learned Court below.

With this directions and observations, the Revisional Application stands disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties on compliance of necessary formalities.

(Subhasis Dasgupta, J)