

16.4.2021

ks.

Ct. 42, sl.21

CRR 1119 of 2021

Rawsan Ali Mir @ Rausan Mir

vs

State of West Bengal & Anr.

Mr. Angshuman Chakraborty,

Mr. S.S. Saha

... For Petitioner.

Mr. Arijit Ganguly

... For the State.

The court is approached under Section 482 Cr.P.C. soliciting a direction to ensure expeditious disposal of a Sessions triable case under Section 399/402 IPC read with Sections 25/27 Arms Act and Section 9(b) of Explosive Substances Act, relatable to G.R. Case No.1230 of 2000, now pending before the learned ACJM, Barasat, North 24 Parganas.

Mr. Chakraborty, learned Advocate representing the petitioner in virtual mode raises his principal grievance submitting that there has been inordinate delay caused in the commencement of the trial in this case and further till date there has been no commitment of the case record to the court of Sessions by the learned Magistrate.

The copy of the revisional application has not been served upon the State.

Since a direction to ensure expeditious disposal is the only prayer involved in this case, this may be considered immediately upon serving a copy of the revisional application to Mr. Arijit Ganguly, learned Advocate for proper address of the issue involved in this case.

Mr. Ganguly upon perusal of the materials submits that the case record could not be committed to the court of Sessions due to the absence of the accused persons, which has caused delay in the commencement of the trial, apart from consequent impact of Covid-19, disturbing the ordinary function of the court to a large extent.

Mr. Chakraborty, learned Advocate representing the petitioner frankly submits that charge-sheet in this case has been submitted on 16th April, 2001 and till date the case record could not be committed to the court of Sessions.

Upon perusal of the materials available in the case record, it appears that case record could not be committed to the court of sessions due to the absence of the accused persons.

Having considered the submission of both sides, the instant revisional application may be disposed of giving direction mentioned hereunder.

Learned A.C.J.M., Barasat, North 24 Parganas in connection with G.R. Case No.1230 of 2000 is directed to exhaust the process against the non-appearing accused persons under the provisions of the law and commit the case record expeditiously to the court of Sessions for the presentee accused persons after adhering to the provisions of the law. After exhausting the process, the learned Magistrate would be at his liberty to split up the case at the moment as against the non-appearing accused persons, in the interest of making commitment of the case record to the court of Sessions for the appearing accused persons.

With this direction and observation, the instant revisional application stands disposed of.

Urgant photostat certified copy of this order, if applied for, be given to the parties upon compliance of all the formalities.

(Subhasis Dasgupta, J.)