

CRR 1128 of 2021
(via video conference)

In Re: An application under Section 482 of the Code of Criminal Procedure.

In the matter of:- Santu Biswas

...petitioner

Mr. Sudip Ghosh Chowdhury,
Mr. Argha Das,
Mr. Abhishek Bose.

...for the petitioner.

Mr. Saswata Gopal Mukherjee Ld.PP,
Mr. Md. Anwar Hossain,
Mr. M. F. A. Begg.

....for the State.

The Court is approached under Section 482 of the Code of Criminal Procedure soliciting a direction to ensure expeditious disposal of an NDPS Case No.43 of 2019 under Section 20(b)(ii)(c) of the NDPS Act now pending before the learned Special Court, Hooghly.

The principal grievance of the petitioner is that there has been delay caused in the commencement of the trial without framing charge till date against the petitioner even after the accused person remaining in custody.

Copy of the revisional application has not been served upon the State.

Mr. Hossain, learned advocate representing the State is present in Court. Since a direction to ensure expeditious disposal is the only prayer, the Court is of the view that the prayer may be considered immediately upon serving a copy of the same to Mr. Hossain for proper address of the issue involved in this case.

Having considered the submission of both sides and bearing in mind the materials placed in the record, 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 obtained, giving a direction mentioned as hereunder.

Learned Court below is directed to make consideration of the charge either on the date so scheduled seeing the chemical report, if there be any, and if for any reasons whatsoever, the same could not be done, the charge may be framed upon viewing the chemical report within reasonable period thereafter, preferably within six weeks thereafter, with an aim to ensure expeditious disposal of the pending case. The Court makes it clarified that if necessary the learned Court below will be at his liberty to follow the mandate available under Section 309 Cr.P.C. upon resorting to all such incidental/other steps, as may be necessary for the purpose.

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.)