

CRR 1131 of 2021
(via video conference)

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

In the matter of:- Birupam Sarkar ...petitioner

Mr. Subhajit Chowdhury.
...for the petitioner.

Mr. Saswata Gopal Mukherjee Ld.PP,
Mr. Arijit Ganguly.
....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. N-31 of 2019 under Section 21(c) of the NDPS Act now pending before the learned Special Judge, NDPS Court, Barrackpore.

The prime contention raised by Mr. Chowdhury appearing in virtual mode is that there has been inordinate delay caused in the progress of trial of this case leading to undue hardship and harassment to the petitioner, who is in custody.

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

Mr. Ganguly, learned junior Government 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 same may be decided upon serving a copy of the same to Mr. Ganguly for proper address of this issue involved in this case.

Upon the perusal of the materials contained in the record, Mr. Ganguly submits that three schedules already fixed previously could not be effectively utilised consequent upon impact of Covid 19.

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

Learned Court below is directed to make effective utilisation of dates so far scheduled with a view to ensure expeditious disposal of the pending case, and if necessary, upon resorting to steps available under Section 309 Cr.PC.

Learned court below is further directed to issue summons upon the witnesses for the dates so scheduled giving sufficient time in advance to the witnesses for their attendance, so that dates, so scheduled may be effectively utilised. Learned conducting prosecutor of this case before the learned court below is to cooperate with the learned Trial Judge so that witnesses may turn up on the dates so scheduled.

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.)