

27.4.2021

ks.

Ct. 42, sl.20

CRR 1212 of 2021

Kamal Mehra & Anr.

vs

State of West Bengal

Mr. Subhendu Bhattacharjee

... For Petitioners.

Mr. Arijit Ganguly,

Mr. Sanjib Kumar Dan

... For the State.

The court is approached under Section 482 of Cr.P.C. soliciting a direction to ensure expeditious disposal of a case being CGR No.4457 of 2011 under Sections 347/379/114 of the Indian Penal Code, now pending before the learned Judicial Magistrate, 2nd Court, Alipore, South 24 Parganas.

Mr. Subhendu Bhattacharjee, learned Advocate representing the petitioners appears in virtual mode.

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

Mr. Arijit Ganguly, learned Advocate is present in court. A copy of this revisional application be immediately handed over to Mr. Ganguly, who ordinarily represents State being a learned junior Government Advocate.

The sole contention of the petitioner is that there has been much delay caused in the trial of instant Magistrate triable case causing serious prejudice to the petitioners/accused persons.

Learned Advocate representing the State submits that the trial of this case has not reached the optimum level because of the infestation of the Covid-19, disturbing the ordinary functioning of the court to a large extent.

It appears from the materials placed in the record that charge in this case has been framed against the accused persons on 20th July, 2015. There is substance in the submission advanced by the learned Advocate for the petitioners that till date not a single witness has been examined in this case so far, out of five (05) witnesses cited in charge-sheet.

Having considered the submission of both sides, the court is of the view that the instant revisional application may be disposed of so as to sub-serve the purpose of justice, as proposed to be obtained, giving a direction mentioned as hereunder.

Learned court below is directed to ensure expeditious disposal of this case, and if necessary upon resorting to steps available under Section 309 Cr.P.C. so that the logical conclusion of this case may be reached within a reasonable period of time, preferably within a period of one year from the date of communication of this order.

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

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

(Subhasis Dasgupta, J.)