

14.06.2021

Sl. No. 17

Mithun

Ct.No.19.

CRR/1280/2021

(Via Video Conference)

In Re: An application under Section 401 read with Section 482 of the Code of Criminal Procedure, 1973.

And

In the matter of: **Sankar Mishra.**

...petitioner

Mr.Somnath Banerjee, Adv.

Mr.Pronojit Roy, Adv.

...for the petitioner

Mr. Prosun Kumar Dutta, Ld. A.P.P.

Ms. Sukanya Bhattacharya, Ld.A.P.P.

...for the State

New Town Police Station Case No.549 of 2018 under Section 21 (c) of the NDPS Act was registered on 21st December, 2018 and the accused/petitioner was arrested. His prayer for bail was rejected and he is still in custody. The police submitted charge sheet on completion of investigation on 27th February, 2019. The case was transferred to the Court of the 6th Additional District & Sessions Judge, Barasat, North 24-Parganas for trial.

The charge under Section 21 (c) was framed and trial commenced. During trial the Court fixed three schedules, one from 24th February, 2020 to 28th February, 2020; secondly, from 19th May, 2020 to 24th June, 2020 and thirdly, from 5th July, 2021 to 7th July, 2021. The above schedules for trial failed as

no witnesses on behalf of the prosecution came to depose before the Trial Court.

It is also pointed on behalf of the petitioner that all the witnesses are police personnel. Therefore, by filing the instant application, the petitioner prayed for a direction upon the Trial Court for expeditious disposal of the case as the petitioner is in custody for more than two years and five months.

Considering the prayer made by the petitioner, I am of the view that the instant revision can be disposed of even without serving notice to the opposite party/State.

Learned P.Ps.-in-Charge, Mr. Prasun Kumar Dutta along with Ms. Sukanya Bhattacharya are present in Court. They are requested to assist this Court.

It is submitted by Mr. Dutta that speedy trial is a constitutional mandate and every accused has the right to have speedy trial of the case.

It is also noticed that first schedule was framed by the Trial Court when there was no COVID Pandemic and COVID-19 was not declared as pandemic even that time. But the witnesses who are all police personnel did not turn up.

Under such circumstances, the learned Trial Judge is directed to frame specific schedule and send the summons to the witnesses through the Superintendent of Police, North-24-Parganas for service.

The Superintendent of Police, North-24-Parganas shall cause service of the summons to the witnesses through the

competent police officer and send the service return before the schedule.

Let a copy of this order be sent to the learned Trial Judge for information and compliance.

The parties are directed to act on the server copy of the order so that the matter may be disposed of expeditiously and preferably within six months from the date of this order.

(Bibek Chaudhuri, J.)