

14.06.2021

Sl. No. 18

Mithun

Ct.No.19.

CRR/1281/2021

(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: **Babu Halder & Ors.**

...petitioners

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

Baguiati Police Station Case No.95 of 2018 under Section 21 (c)/29 of the NDPS Act was registered on 7th March, 2018 and the accused/petitioners were arrested. Their prayer for bail was rejected and they are still in custody. The police submitted charge sheet on completion of investigation on 26th April, 2018. 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)/29 of the NDPS Act was framed and trial commenced. During trial the Court fixed three schedules, one from 31st January, 2020 to 4th February, 2020; secondly, from 11th May, 2020 to 15th May, 2020 and thirdly, from 3rd June, 2021 to 7th June, 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 petitioners 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 petitioners are in custody for more than two and half years.

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.)