

Form No. J(1)

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction
Appellate Side

Present:
The Hon'ble Justice Jay Sengupta

CRR 2304 of 2021

Arsad Gazi
Vs.
The State of West Bengal

For the Petitioner : Ms. Malashree Ghosh

For the State : Mr. Imran Ali
Ms. Debjani Sahoo

Heard on : 23rd November 2021

Judgment on : 23rd November 2021

The Court:

This is an application seeking an expeditious disposal of a trial under Section 21(c) of the N.D.P.S. Act

Let a copy of this application be served upon Mr. Imran Ali and Ms. Debjani Sahoo, learned counsels who ordinarily appear on behalf of the State and are requested to appear in this matter. Their engagement may be regularised by the competent authority of the State in due course.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is an accused in a case involving alleged seizure of commercial quantity of contraband. Although, an F.I.R. was registered on 28.12.2018 and the petitioner was arrested on the same day, till date the trial could not be completed. The charge was framed on 12.02.2020. Several dates were fixed for examination of witnesses, but till date not a single witness could be examined. On 16.04.2021 a Division Bench of this Court, while rejecting the prayer for bail of the accused in CRM 1723 of 2021, directed the learned Trial Court to conclude the trial as expeditiously as possible within a particular time frame. This was placed before the learned Trial Court on 3.12.2021. Despite this, the next dates were fixed after a gap of three months on 3.12.2021 and 4.12.2021.

Learned counsel appearing on behalf of the State submits that the State would not come in the way of any direction for expeditious disposal of the proceeding within a time frame.

I have heard the submissions of the learned counsels for the petitioner and the State and have perused the revision petition.

It appears that there is inordinate delay caused in conducting the trial. Although several dates had been fixed, not a single witness could be examined.

Quite significantly, although on 03.09.2021 an order passed by the Division Bench of this Court was placed before the learned Trial Court showing that this Court directed expeditious disposal of the proceeding, dates were fixed only after a gap of three months. The petitioner is in custody for about 1050 days. His right to speedy

trial as guaranteed under Section 21 of the Constitution of India cannot be dealt with in such casual manner.

In view of the above, and in the interest of justice, I request the learned Trial Court to conclude the trial as expeditiously as possible without granting any unnecessary adjournment to any of the parties, preferably within a period of eight months from the next date fixed.

With these observations, the revisional application is disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties, upon completion of requisite formalities.

(JAY SENGUPTA,J)

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