

IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION

Present:

The Hon'ble Justice Jay Sengupta

C.R.R. 2322 of 2021

Asit Raptan @ Puti

Versus

The State of West Bengal

For the petitioner : Ms. Malashree Ghosh
..... Advocate

For the State : Mr. Imran Ali
Mr. MFA Begg
.... Advocates

Heard on : 24.11.2021

Judgment on : 24.11.2021

Jay Sengupta, J.:

This is an application seeking for an expeditious disposal of a proceeding in which a charge-sheet was submitted under Section 21 (c) of the NDPS Act.

Let a copy of this application be served upon Mr. Imran Ali and Mr. MFA Begg, learned advocates, who are present in Court today and who ordinarily appear on behalf of the State. Their engagement may be regularised in due course by the competent authority of the State.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is an accused in this case. He was arrested on 05.10.2019 the date on which the FIR was lodged. He is in custody for about 770 days. The charge-sheet was submitted in 2019 and the supplementary charge-sheet submitted in 2021. Charge was framed on 23.08.2021. 07.12.2021 was fixed for evidence. On 22.02.2021, the next date was fixed for production and framing of charge on 08.06.2021. In the meantime, the petitioner had sought expeditious disposal of the proceeding and moved the High Court. This Court, by an order dated 05.03.2021 passed in CRR 501 of 2021, was pleased to direct the learned trial Court to conclude the proceeding expeditiously. The same was brought to the notice of the learned Court on 10.3.2021. Yet, the same date i.e. 08.06.2021 was retained as the next date. Again on 17.03.2021, a put up application was filed on behalf of the petitioner praying for preponing of the case in view of the order passed by the High Court. As a result, the learned trial Court fixed 07.05.2021 as the next date. It appears that thereafter on 08.06.2021, again the learned Court fixed the date for production and framing of

charge on 05.10.2021 i.e., a date after nearly four months. The petitioner continued to languish in custody and kept on filing put up petitions referring to the High Court's order and praying for expeditious disposal of the proceeding, but to no avail. The learned said Court kept on fixing long dates and the matter has remained pending for no fault of the petitioner.

Learned counsel for the State submits that this is a fit case where a direction should be passed upon the learned trial Court to conclude the proceeding expeditiously.

I have heard the submissions of the learned counsels appearing on behalf of the petitioner and the State and have perused the revision petition.

It appears that an inordinate delay has been occasioned in concluding the trial, especially considering the fact that the petitioner is in custody since his date of arrest in 2019.

It is unfortunate that despite an order passed by this Court directing expeditious disposal of the proceeding, the learned trial Court has only paid lip service to the same. It continue to fix long dates and failed to take proper initiative to ensure that the trial is concluded at the earliest. The right of the accused to speedy trial 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 proceeding 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 of hearing.

With these observations, the revisional application is disposed of.

Urgent photostat certified copies of this order may be delivered to the learned Advocates for the parties, if applied for, upon compliance of all formalities.

(Jay Sengupta, J)