

17.12.2021

Item No.117

Ct.No.34

dc.

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

C.R.R. 2499 of 2021
(Via Video Conference)

Binod Tiwari
versus
The State of West Bengal

In Re: An Application under Section 482 of the Code of Criminal Procedure, 1973.

Mr. Arunava Ganguly ... For the Petitioner.

Mr. Madhusudan Sur,
Mr. Dipankar Paramanick ... For the State.

Learned advocate for the petitioner submits that the petitioner is in custody since August 2019, but till date none of the witnesses have been examined in spite of charge being framed.

Having regard to the period of detention of the petitioner, I am of the view that the prosecution should be forced to produce its witnesses on the date so fixed by the learned trial court. It has been informed that schedule has been fixed by the learned trial court on 22.12.2021.

On an appreciation of the orders placed before this Court, it is clear that the trial could not proceed for reasons beyond the control of the court. Accordingly, the learned trial court is directed to keep in mind that the accused is in custody for more than last 26 months and the evidence has not progressed. Accordingly, the trial court would fix schedule consisting of three days in every 45 days and proceed with the trial of the case. Schedule would be fixed only after the

learned public prosecutor assures the court regarding the availability of the witnesses.

No unnecessary adjournment should be granted to either of the parties.

All efforts must be taken to conclude the trial within a reasonable period of time.

With the aforesaid observations, the revisional application being CRR 2499 of 2021 is disposed of.

All parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)