

13.01.2021
Item no.4
Ct. No.42
CHC

C.R.R. No.2836 of 2019

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

In the matter of:-

Milan Mondal @ Milon Mondal
.....petitioner

Ms. Sonali Das

... for the petitioner

Mr. Arijit Ganguly,
Mr. Avik Ghatak

... for the State

This revisional application under Section 482 read with Section 401 of the Code of Criminal Procedure is to secure a direction for expeditious disposal of a pending case in connection with Lake Town Police Station Case No.3 of 2019 dated 07.1.2019 under Sections 21(c)/29 of Narcotic Drugs and Psychotropic Substance Act now pending in the Court of learned Additional Sessions Judge, 6th Court, (Special Court), Barasat (N-12/2019).

In this case, seven liters of codeine mixture have been seized from the possession of the petitioner/accused with another co-accused.

It is submitted by learned advocate for the petitioner that charge-sheet in this case has already been submitted and despite submission of charge-sheet the charge against the accused person has not yet been framed leading to protraction of the trial.

Learned advocate, Mr. Arijit Ganguly representing the State/opposite party submits candidly that due to intervention of the pandemic, the ordinary function of the Court has been largely disturbed resulting in some delay in the commencement of the trial. In course of hearing it could be revealed that next date is fixed on 9th March, 2021 for framing of charge against the accused/petitioner.

Having considered the submission of both sides it is clear that there has been no commencement of trial with the framing of charge against the petitioner/accused. Thus, non framing of charge has admittedly caused delay in the commencement of the trial. When date has already been fixed for framing of charge, the Court is of the view that justice would be best subserved, if the revisional application is disposed of with following direction.

Learned court below in connection with case mentioned hereinabove is directed to frame charge on the next date so fixed by the court below, and if for any reason the same could not be effectively utilized, the next date may be fixed within three weeks thereafter peremptorily for framing of charge.

Learned court below is further directed to conduct the trial expeditiously after framing charge without granting any adjournment to either of the parties to this case and by providing sufficient opportunities to either of the parties to this case.

With this direction the instant revisional application stands disposed of.

All parties shall act in terms of copy of this order downloaded from the official website of this Court.

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

(Subhasis Dasgupta, J.)