

Sr. 4
07-01-2021
s. d.
ct, no.42

CRR 3495 of 2019

Md. Taju Khamari

-versus-

The State of West Bengal

In the matter of : An application under Article 227 of the Constitution of India filed on 28th November, 2019 in connection with Case No. N—226/2018 arising out of Barasat P. S. Case No. 917 of 2018 dated 19.12.2018 under Sections 21(C)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 pending before the learned Additional District and Sessions Judge, 6th Court, Barasat, North 24 Parganas.

Mr. Md. Younush Mondal

.....for the petitioner.

Mr. S. G. Mukherji, PP
Mr. Md. Anwar Hossain

....for the State.

The petitioner is aggrieved by the fact that he is in custody since 19th December, 2018 and till date only charge has been framed against him and there has been no progress in the trial.

In view of the fact that the petitioner is in custody for more than two years, and due to reasons beyond control for about nine months judicial proceedings could not proceed smoothly, I direct that the learned trial court to take

into account the period of detention of the present petitioner and proceed accordingly.

The records suggest that only eight witnesses are to be examined.

The office of the learned trial court would communicate with the Public Prosecutor and dates should be fixed after assurance is received regarding the availability of the witnesses.

No witness should be excused from appearing on the dates fixed on any vague ground and the learned trial court would be at liberty to take recourse to harsher process of law if any witness is absent on the date so fixed.

All efforts must be taken by the Ld. Court to conclude within a reasonable period of time by adhering to the principles of Article 21 of the Constitution of India.

With the aforesaid observations, CRR 3495 of 2019 is disposed of.

Urgent Photostat certified copy of this order, if applied for, be given to the parties upon compliance of all formalities.

(Tirthankar Ghosh, J.)