

19.01.2021
Item no.12
Ct. No.42
CHC

**C.R.R. No.1423 of 2020
(Physical Hearing)**

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

In the matter of:-

Md. Akbar Ali @ Jhinku
.....petitioner

Mr. Robiul Islam
... for the petitioner

Mr. Saswata Gopal Mukherji, Ld.P.P.,
Mr. Arijit Ganguly
... for the State

The Court is called upon under Section 482 Cr.P.C. soliciting a direction for expeditious disposal of a pending N.D.P.S. case of learned Judge, Special Court, under N.D.P.S. Act, Murshidabad vide N.D.P.S. Case No.54 of 2018.

Learned advocate for the petitioner submits that there has been no substantial advancement of the trial, and as a result of which there has been protraction of trial. Thus the movement of trial is against the concept of expeditious disposal. Learned advocate further proposes for fixing an outer limit as regards conclusion of trial, to which the Court is not agreeable bearing in mind the direct impact of the COVID-19, and as such the direction, as proposed to be obtained from this Court, regarding fixation of outer limit is neither advisable nor feasible at the moment.

Mr. Ganguly, learned advocate representing the State submits that till date, out of 22 witnesses, 2 witnesses have been examined. Due to COVID-19 there has been much disturbance in the ordinary function of the Court and bearing the same in mind it appears that there has been little progress in the trial, though not reached the optimum level. However, the revisional application may be disposed of so as to subserve the purpose of justice giving following direction.

Learned court below is directed to make effective utilization of the dates, so far fixed taking sincerest support from the learned prosecutor aiming at expeditious disposal without granting unnecessary adjournment, unless it is extremely unavoidable.

With this direction/observation, 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.)