

22.01.2021  
Item no.3  
Ct. No.42  
CHC

**C.R.R. No.1716 of 2020  
(Physical Hearing)**

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

In the matter of:-

Sukantha @ Sukanta Das  
.....petitioner

Mr. Subhabrata Chowdhury,  
Ms. Tripti Pandey  
... for the petitioner

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

This Court is approached to address the prayer soliciting a direction for expeditious disposal of a pending case under Section 482 of the Code of Criminal Procedure.

Learned advocate, Mr. Subhabrata Chowdhury representing the petitioner submits that petitioner has been falsely implicated in this case in consequence of a love affairs with the victim girl, who has already been recovered.

It is contended by the learned advocate for the petitioner that petitioner is in custody since 2013 and though charge-sheet has

been submitted on 19.12.2016 but there has been no substantial development in the trial of this case.

A report, submitted by Officer-in-Charge, Kultali Police Station, Baruipur, dated 8<sup>th</sup> January, 2021 is produced through Mr. Ganguly, learned advocate representing the State.

The report is taken on record.

It appears from the report that examination of the victim is going on and there are other witnesses cited in the charge-sheet who are still left unexamined. So far the prosecution has already collected evidence of the complainant and the evidence of the victim is going on. It further appears from the report that there is some irregularity with regard to the issuance of summons so as to produce the witnesses.

Learned advocate for the petitioner submits contending that delay so caused is against the principle of expeditious justice delivery system, and it will cause protraction of the trial.

Further report called for from the Learned Registrar (Judicial Service), High Court, Calcutta, submitted on 12<sup>th</sup> January, 2021, goes to show that the court is lying vacant at the moment, and it is expected that a new Officer will be posted shortly on transfer.

Mr. Ganguly, learned Advocate representing the State submits that the ordinary function of the court has been largely disturbed with the intervention of the COVID-19.

Having considered the submission of both the sides and bearing in mind the impact of COVID-19 surfacing over the entire country and thereby disturbing the ordinary function of the court,

the Court is of the view that the instant revisional application may be disposed of, so as to subserve the purpose of justice, as proposed to be obtained by the following direction.

The case may be expeditiously disposed of making effective utilization of the dates schedule, after taking sincerest cooperation from the learned prosecutor conducting the trial, upon joining the new incumbent in the concerned court below.

Though learned advocate for the petitioner proposed for fixing an outer limit, as regards the conclusion of the trial, to which the Court is not inclined to pass any direction fixing outer limit holding that it is neither feasible nor advisable at the moment. The new incumbent upon joining will try to ensure that there will be no unnecessary adjournment in this case, while conducting the trial scheduling the dates, 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.)**