

15.01.2021
Item no.12
Ct. No.42
CHC

**C.R.R. No.1755 of 2020
(Physical Hearing)**

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

In the matter of:-

Sumit Dey

....Petitioner

Mr. Sumit Dey

... In person

Mr. Saswata Gopal Mukherji, Ld. P.P.,
Mr. Arijit Ganguly

... for the State

This is an application under Section 482 Cr.P.C. alleging the delay caused in the commencement of the trial and soliciting thereby a direction for expeditious disposal of a pending case, vide G.R. No.3377 of 2017 under Sections 120B/ 406/ 420/ 411/ 467/ 468/ 469/ 471/384, pending before the learned Chief Judicial Magistrate, Barasat, North 24 Parganas.

Mr. Sumit Dey personally appears in this case and contends that the conduct of the trial is not satisfactory and there has been much delay already caused in securing presence of all the chargesheeted accused persons.

By producing the report, Mr. Ganguly, learned advocate representing the State submits that for securing presence of

accused person, the court had to issue Warrant of Arrest with a required direction upon the superior authority of Police to book some of the accused persons.

In course of hearing, it could be revealed that out of eight (8) chargesheeted accused persons, one of the accused person, namely Prabir Kumar Basak had already suffered death on 5th December, 2020, and the learned Magistrate has already called for a report fixing 27th January, 2021.

Learned advocate, Mr. Ganguly representing the State submits that the delay caused is due to securing presence of absconding accused persons. Moreso, the intervention of the COVID-19 has disturbed the ordinary function of the court, which may be taken in view if any order for expeditious disposal is given in this case.

Admittedly, the charge in this case has not yet been framed. The case is next posted on 27th January, 2021 for production of a death report, as regards the accused Prabir Kumar Basak. Since Mr. Dey appearing personally expresses his dissatisfaction with regard to the delay caused in the progress of this case together with its commencement trial, this may be duly addressed to by disposing of this instant revisional application in the manner as mentioned hereinbelow.

Learned Chief Judicial Magistrate, Barasat, North 24 Parganas in connection with a case mentioned hereinabove, is directed to make consideration of charge against the accused persons after exhausting the process on a date to be fixed

reasonably, and after framing charge, the case may be disposed of expeditiously as possible, taking sincerest effort from the learned prosecutor for making effective utilization of the dates so fixed for the collection of evidence.

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.)