

15.01.2021
Item no.13
Ct. No.42
CHC

C.R.R. No.1831 of 2020
(Physical Hearing)

In Re: An application under Section 482 read with Section 483 of the Code of Criminal Procedure, 1973.

In the matter of:-

Sushil Biswas
....Petitioner

Mr. Angshuman Chakraborty
... for the petitioner

Mr. Madhusudan Sur, Ld. A.P.P.,
Mr. Dipankar Paramanick
... for the State

This is to secure a direction for expeditious disposal of a pending case, vide case no.N-246 of 2019, now pending before the learned Additional District and Sessions Judge, 6th Court, (Special Court under NDPS Act), Barasat for the alleged recovery of 495 bottles of phensedyl syrup, in connection with which a report was called for, if any chemical report was submitted in the meantime or not.

Mr. Sur, learned advocate representing the State produces the report, wherefrom it appears that chemical report has already been collected and supplementary charge-sheet has been submitted on 11th January, 2021.

Mr. Chakraborty, learned advocate representing the petitioner submits that accused is in custody since 9th December, 2019 and till date there has been no commencement of the trial after framing charge against the accused person. Thus, according to Mr. Chakraborty dealy has already been there under the guise collecting the chemical report. With the collection of the chemical report leading to the submission of the supplementary chargesheet, the grievance expressed by Mr. Chakraborty on such issue is at bay at the moment

Mr. Chakraborty, learned advocate representing the petitioner further submits that expeditious disposal of pending case for custody accused is a constitutional guarantee, which has to be ensured by the learned court below while conducting the trial. There cannot be any dispute that the Court must always put its sincerest effort to ensure expeditious disposal, but this aspect is always subject to the congestion of the cases pending before the learned court below conducting the trial. Moreso, the ordinary function of the Court has been largely disturbed due to the intervention of the COVID-19.

Without going into the details, the instant revisional application may be disposed of giving following directions.

Learned trial Judge is directed to consider the charge on the next date fixed for the purpose, and if for any reasons the same goes unutilized for some reasons or others, the same may be done peremptorily within a three weeks thereafter providing sufficient opportunity of hearing to either of the parties to this case.

Petitioner is free to challenge the applicability of the charge, likely to be framed against the accused person.

After framing the charge, learned trial court is further directed to proceed with the trial scheduling dates for collection of evidence aiming at ensuring expeditious disposal of the pending case and further taking sincerest support and co-operation from the learned prosecutor so that the date or dates so scheduled may be effectively utilized.

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.)