

25.02.2021
SL No.7.
Ct. No.1
S.D.

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI
(Through Video Conference)**

C.R.R. 24 of 2021

In the matter of: **Rafikul Alam @ Shah Alam**

.....Petitioner.

Mr. Jaydeep Kanta Bhowmik

...For the petitioner.

Mr. Sudipto Mazumdar, Asst. Solicitor General,
Mr. Ratan Banik

....For the Union of India.

In this revisional application, the petitioner languishing in jail has sought for a direction upon the learned Trial Court to conclude the trial within a specified period without granting unnecessary adjournment.

I have heard the learned Advocate for the petitioner and the learned Advocate for the Union of India.

It is submitted that because of the pandemic situation due to COVID 19, the copies could not be served in compliance of the provision under Section 207 of the Cr.P.C. However, the copies are ready and that the copies have already been submitted to the learned Trial Court.

It is submitted that the petitioner is languishing in custody since 6.1.2020 in connection with N.D.P.S. Case No. 01 of 2020 corresponding to NCB Crime No. 02/NCB/Kol./2020 under Section 20(b)(ii)(B)/21C/22C/23C of NDPS Act pending in the Court of learned Sessions Judge, 2nd Court, Jalpaiguri.

Brief of the prosecution case emerges from the written complaint lodged by one Intelligence Officer of NCB, KZU, Kolkata before the Court of Ld. Addl. Sessions Judge, 2nd Court, Jalpaiguri is that, on 3.1.2020, on secret information that the petitioner was involved in trafficking various kinds of Narcotic substance and has stored phenysedyl cough syrup in his house, raid was conducted in the dwelling house of the petitioner and aforesaid cough syrup was recovered from his house.

It is submitted on behalf of the petitioner that he had no nexus with the alleged offence and has been implicated falsely as nothing was recovered from his house and that in spite of direction passed by the Hon'ble Division Bench of the Hon'ble Court in CRM No. 3284 of 2020 comprising Hon'ble Justice Joymalya Bagchi & Hon'ble Justice Suvra Ghosh on 10.9.2020 there was no development in the case. In view of corona virus outbreak occurred globally and total lock down declared due to pandemic situation and pursuant to a notification no. 1498-RG dated 24.3.2020 issued by Registrar General High Court Calcutta pursuant to the advisories issued by Govt. of India as well as Govt. of West Bengal and the Hon'ble Supreme Court of India, there being complete lockdown of Hon'ble High Court at Calcutta suspending the function of the District Judiciary including commercial Courts in West Bengal from 25th March to 9th April, 2020 excepting constitution of one Division Bench and two Single Benches holding Special Court on 1.4.2020 and 8.4.2020, necessary legal formalities could not be completed

Therefore, it cannot be said that the learned Trial Court is responsible for delay in the conduct of trial of the case. It appears that the petitioner has been arraigned in connection with alleged offence of possession of commercial quantity of contraband and since the copies of material evidence in the Case Diary are ready, the same be supplied to the accused petitioner and the learned Special Judge will undertake the trial of the case as expeditiously as possible bearing in mind the guideline given by the Hon'ble Supreme Court in the case of ***Thana Singh vs. Central Bureau of Narcotics*** reported in ***(2013) 2 SCC 590***.

Accordingly, the revisional application being CRR 24 of 2021 is disposed of with the above direction.

(Shivakant Prasad, J.)