

23.03.2021
Item no.17
Ct. No.2
CHC

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE JURISDICTION
(Via Video Conference)**

C.R.R. No.35 of 2020

In the matter of:-
Sankar Ray
.....petitioner

Mr. Debabrata Dhar,
Mr. Kunaljit Bhattacharjee,
Mr. Prodyot Kumar Ray
.....for the petitioner

Mr. Nilay Chakraborty
.....for the State

Liberty is given to correct the cause-title.

The grievance of the petitioner is that there has been much delay in the progress of the trial resulting in undue hardship to the petitioner/de facto complainant. In this case charge-sheet has been submitted under Sections 120B/420/406/468 of the Indian Penal Code long before, and following which there has been commencement of the trial upon framing of charge against the accused person.

Upon perusal of the record it appears that in the meantime the Court has taken evidence of P.W.1, and there are some witnesses as cited in the charge-sheet, still left unexamined.

Mr. Nilay Chakraborty, learned advocate is present in Court, who ordinarily represents the State being an empanelled learned advocate for the State.

Learned advocate for the petitioner is directed to handover copy of this application to Mr. Nilay Chakraborty. The appearance of Mr. Nilay Chakraborty be regularized in this case taking advantage of this order.

Mr. Chakraborty, learned advocate representing the State submits that in this case there has already been commencement of the trial, and the court has already collected evidence of charge-sheeted witness no.1 namely, Sankar Roy in the meantime.

It is further submitted by the State that the impact of COVID-19 has largely disturbed the ordinary function of the court to a large extent.

It cannot be disputed that the onset of COVID-19 has disturbed the ordinary function of the court to a great extent.

Having considered the submissions of the learned advocate for both the sides and bearing in mind the materials placed in the record, 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, giving direction mentioned as hereunder.

Learned court below is directed to expeditiously dispose of pending case making effective utilization of the date, to be fixed, for collection of the evidence, as chargesheeted witnesses, taking support and cooperation of both sides, and if necessary by

resorting to the provisions incorporated in Section 309 Cr.P.C., without granting unnecessary adjournment, unless it is extremely unavoidable.

With this direction/observation, the instant revisional application stands disposed of.

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.)