

19.03.2021

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**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

CRR 61 of 2021

Sankar Shome
Vs.
State of West Bengal & Ors.

Mr. Deborshi Dhar
...for the Petitioner.
Mr. Aditi Shankar Chakraborty,
Mr. Nilay Chakraborty
... For the State.

The court is approached under Section 482 Cr.P.C. soliciting a direction to ensure expeditious disposal of a case being G.R. Case No.2937 of 2017 under Section 498A IPC read with Sections 3 and 4 of the Dowry Prohibition Act, now pending before the learned ACJM, Siliguri, Darjeeling.

Mr. Aditi Shankar Chakraborty, learned Advocate representing the State submits that copy of this application has not been served upon the State. Such issue being raised by the State, the petitioner is directed to hand over copy of this revisional application to Mr. Aditi Shankar Chakraborty, learned Advocate, now present in court, for defending the State.

The appearance of Mr. Aditi Shankar Chakraborty, who ordinarily appears for the State to defend the State, be regularized for the purpose.

Mr. Deborshi Dhar, learned Advocate representing the petitioner submits that the accused/petitioner is a Army personnel, and he will retire shortly from service and the pendency of this case will prevent

him from drawing service benefits after his superannuation. Learned Advocate for the petitioner, thus alleging the delay caused in the commencement of the trial, proposes for a direction so that the pending case may be expeditiously disposed of.

Mr. Aditi Shankar Chakraborty, representing the State submits that in this case, Police has submitted charge-sheet making out a prima facie case under Section 498A IPC read with Sections 3 and 4 of the Dowry Prohibition Act.

Copy of the Police papers has already made available to the petitioner, and it is due to the onset of Covid-19, there has been little delay caused in the commencement of trial.

It cannot be disputed that the impact of Covid-19, has largely disturbed the ordinary function of the court.

Upon perusal of the photocopy of the orders passed by the learned court below, it appears that the last date was fixed on 28th February, 2021.

According to the petitioner, no date could be fixed thereafter in this case so as to ensure commencement of the trial as against the petitioner.

The situation is, thus very clear that in this case trial of this case has not yet commenced.

Having considered the submission of both sides and bearing in mind the impact of Covid-19, the Court is of the view that instant revisional application may be disposed of so as to sub-serve the purpose of justice giving direction mentioned as herein:

Learned Court below is directed to fix a suitable date within three weeks from the date of communication of this order for consideration of the charge, and if for any reasons whatsoever, the date so fixed could not be effectively utilized, the charge may be framed within a fortnight thereafter peremptorily aiming at ensuring expeditious disposal.

It is, however, clarified that learned Court below shall be free to take resort to Section 309 Cr.P.C. by taking incidental steps, or such other steps as may be necessary to ensure expeditious disposal of the pending case.

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

Learned Advocate for the petitioner is directed to communicate this order upon the learned Court below.

Urgent Photostat certified copy of this order, if applied for, be given to the parties upon compliance of all formalities.

(Subhasis Dasgupta, J.)