

M/L17
07.11.2022
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C.R.R.21 of 2021
With
CRAN 1 of 2021

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

Zonal Director, Narcotics Control Bureau,
Kolkata Zonal Unit
Versus
Liyakat Ali

Mr. Sagar Saha.
...for the petitioner.

In Re: CRAN 1 of 2021

Learned advocate appearing for the petitioner prays for
condonation of delay of 502 days in preferring this revisional
application.

The reasons so assigned in the application for
condonation of delay are found to be just and sufficient.
Accordingly, delay is condoned. The application being CRAN 1 of
2021 is, thus, allowed.

In Re: CRR 21 of 2021

Report received from Judge, Special Court (E.C. Act)-
cum-Additional District and Sessions Judge, Chinsurah, Hooghly
(In-Charge) reflects that during the period when the report was
prepared, the court was lying vacant. It also reflects that on
11.11.2022 date has been fixed by the learned Special Court for
examination of the accused under Section 313 of the Code of
Criminal Procedure.

Report submitted by the learned Special Court through

the Learned Registrar (Judicial Service), High Court, Calcutta be kept with the record.

Mr. Sagar Saha, learned advocate appearing for the NCB/petitioner submits that the witness, namely, Arnab Chakraborty cited as PW-7 is presently posted at Calcutta and the NCB undertakes that, as and when the court directs, the said witness would be present before the learned Special Court for his deposition on dock.

The report so submitted also reflects that the accused has been released on bail. As such, I am of the view that the accused will not be prejudiced at this stage for delaying the trial in case the witness, for ends of justice, is afforded an opportunity to be examined before the trial court. The order in respect of closure of evidence of PW-7 is hereby set aside.

In view of the aforesaid, I direct that prior to examination of the accused under Section 313 of the Code of Criminal Procedure, the learned Special Court would afford an opportunity to the prosecution to examine PW-7 and the defence to cross-examine the said witness. The said witness will be physically present on 11.11.2022 before the learned Special Court and record his attendance with the learned Special Court or the office of the learned Special Court. In case the learned Special Court is not available, the witness must go on being physically present till his examination and cross-examination is over. In case the Presiding Officer has joined, the examination-in-chief of the witness will commence and will continue till the same is over. The defence

would thereafter cross-examine the witness and the learned Special Court thereafter would fix a date for examination of the accused under Section 313 of the Code of Criminal Procedure.

Learned Special Court will act according to the directions as made above.

With the aforesaid observations, CRR 21 of 2021 is partly allowed.

Pending applications, if any, are consequently disposed of.

Report submitted by the learned Special Court through the Learned Registrar (Judicial Service), High Court, Calcutta be kept with the record.

Learned Special Court shall act on the service copy of this order duly downloaded from the official website of this Court.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Tirthankar Ghosh, J.)