

CRR 399 of 2022

08.03.
2022

In the matter of:- Sandip Upadhayay

Mr. Rajdeep Mazumdar
Mr. Pritam Roy
.....for the petitioner

Mr. Imran Ali
Ms. Manisha Sharma
.....for the State

Mr. Debasish Roy
....for the de facto complainant

This is an application seeking an expeditious disposal of a proceeding in a murder case.

Perused the report filed earlier on behalf of the State. According to the said report 45 witnesses have already been examined in this case and 11 are left to be examined.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is in custody in connection with the present case since 2015. 45 out of 58 witness have already been examined. However, the prosecution had stated before the learned trial court that they would examine only 5 more witnesses including the investigation officer of the case. Out of the last 28 dates, on 20 occasions no witnesses were produced and on 8 dates the proceeding had to be adjourned on the ground of onset of Covid-19 pandemic. The petitioner is in custody for an inordinately long time. The proceeding has

remained pending for no fault of the present petitioner. In view of the above, a direction may be passed to expedite the trial.

Learned counsel appearing on behalf of the State relies on the report filed earlier and submits that the State would not come in the way if a direction is passed to expedite the trial.

Learned counsel appearing on behalf of the de facto complainant submits that as would be evident from the order passed by an Hon'ble Division Bench of this Court, the prosecution was not solely responsible for the delay and some delay has been caused by the petitioner as well.

I have heard the submissions of the learned counsels appearing on behalf of the parties and have perused the revision petition.

Regardless of who is responsible for the delay, it is a fact that the petitioner is languishing in jail for about seven years and facing this trial.

In view of the above and in the interest of justice, the learned trial court is requested to conclude the proceeding as expeditiously as possible without granting any unnecessary adjournment to any of the parties and by fixing dates in terms of Section 309 of the Code, preferably within a period of 10 months from next date of hearing.

With these observations, the revisional application is disposed of.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)