

14.03.
2022

CRR 772 of 2022

In the matter of:- Haider Mondal alias Hayder Mandal

Mr. Raja Biswas
Mr. Abhijit Sarkar
.....for the petitioner

Mr. S. G. Mukherjee, Id. P.P.
Mr. Imran Ali
Mrs. Debjani Sahu
.....for the State

This is an application seeking an expeditious disposal of a proceeding in which a charge sheet was submitted under Sections 20 and 29 of the NDPS Act.

Let a copy of this application be served upon Mr. Imran Ali and Mrs. Debjani Sahu, learned counsels, who are present in court today and who ordinarily appear on behalf of the State. Their engagement may be regularised in due course by the competent authority of the State.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is an accused in this case. He was arrested on 11.08.2020, the date on which the FIR was registered. A charge sheet was submitted in January, 2021 showing one other accused as an absconder. Thereafter several dates were fixed. Neither could the warrant of arrest be executed on the absconding accused nor was the case filed as against the absconding accused. The petitioner is in languishing in jail for long. The impugned proceeding has remained

pending for no fault of the present petitioner.

Learned counsel appearing on behalf of the State submits that necessary steps are required to be taken by the learned Magistrate either to have the warrant of arrest executed or to have other coercive measures issued in this regard.

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

It appears that some delay has been occasioned in this case, especially considering the fact that the petitioner is in custody since 11.08.2020.

It also appears from the order sheet that on several dates warrant of arrest was issued against the absconding accused. However, it appears that the question of issue proclamation and attachment has not been considered in the meantime. Nor has the case been filed as against the absconding accused and the matter proceeded against the appearing accused.

In view of the above and in the interest of justice, I request the learned trial court to conclude the proceeding as expeditiously as possible without granting any unnecessary adjournment to any of the parties by invoking coercive measure to ensure the attendance of absconding accused, failing which the learned trial court shall consider the question of splitting of the proceeding

as against the appearing accused and thereafter, proceed expeditiously.

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.)