

D/L32
March 4,
2022
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C.R.R. No.911 of 2020
(Via Video Conference)

In Re: An application under Section 401 read with Section 482 of the Code of Criminal Procedure, 1973 filed in connection with Baguiati Police Station Case No.217 of 2018 dated 27.05.2018 under Sections 20(b)(ii)(c) of the Narcotic Drugs and Psychotropic Substances Act;

Amit Majumder & Anr.
Versus
The State of West Bengal

Mr. Anindya Ghosh.
...for the petitioners.

Mr. Saswata Gopal Mukherjee, Ld. P.P.,
Mr. Arijit Ganguly.
...for the State.

Learned advocate for the petitioners expresses his anxiety regarding the manner in which the trial of the case arising out of Baguiati Police Station Case No.217 of 2018 dated 27.05.2018 is progressing before the learned Additional District and Sessions Judge, 6th Court at Barasat, District-North 24 Parganas.

Learned advocate submits that the petitioners were arrested in connection with the instant case on 27th May, 2018 and till date the petitioners are in custody for more than 4 years and 9 months. It has been brought to the notice of the court that the charge-sheet which has been submitted in connection with the instant case reflects that the prosecution has relied upon eight witnesses to prove its case and all the witnesses belong to the police

departments.

Having regard to the anxiety expressed by the learned advocate for the petitioners, I am of the opinion that as none of the witnesses have been examined till date, there is justification of anxiety.

The learned trial court accordingly should fix a schedule of three dates in a month and on each and every month, there should be such schedule of three dates so that the trial can be taken to its logical conclusion within a reasonable period of time.

It is further directed that the public prosecutor representing the State in the trial court would inform prior to the schedule/date being fixed regarding the availability of the witnesses and in case any witness is not present on the date so fixed, the learned Court would be at liberty to exhaust harsher process of law.

It is also directed that the learned special court should not grant any unnecessary adjournment to either of the parties and would continue with the evidence of the case if the witness is present, even if there is a resolution of the local bar for not participating in the proceedings.

Needless to state that the petitioners are in custody for more than 4 years and 9 months and the learned trial court should fix date/schedule in a manner so that the trial can progress smoothly.

With the aforesaid directions, CRR 911 of 2020 is disposed of.

All parties shall act on the server copy of this order duly

downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)