

D/L 9
February 7,
2022
Bpg.

C.R.R. No.1012 of 2020
(Via Video Conference)

In Re: An application under Section 482 of the Code of Criminal
Procedure;

Sri Chandra Sekhar Das
Versus
The State of West Bengal

Mr. Tapan Dutta Gupta,
Mr. Parvej Anam.
...for the petitioner.

Mr. Arijit Ganguly,
Ms. Manisha Sharma.
...for the State.

Report has been received from the learned Registrar (Judicial Service), High Court, Calcutta. The foundation of the said report is on the basis of a thorough enquiry on the record being conducted by the learned District Judge, Murshidabad. The earlier report of the police authorities which was submitted before this Court is found to be incorrect and the learned District Judge has submitted a detailed report on the date fixed by the Court.

Let the report be kept with the record.

The next date has been fixed on 17th March, 2022 for appearance of the accused persons and consideration of charge.

The prayer advanced by the present petitioner, who happens to be the accused no.3 as per charge-sheet, is for expeditious disposal of the present trial. However, the report of the District Judge reflects that the accused persons also contributed to the delay in the trial, as they were not present on certain dates for which the charges could not be framed. The case was initiated in

the year 2013 and subsequently transmitted to the learned special court when the case was re-numbered as Special Case No.1 of 2018. The period of time, which has elapsed in the meantime, which is more than eight years, calls for interference of this Court. Accordingly, I direct the learned special court in *seisin* of the matter to complete the process of framing of charge on 17.03.2022 or within a week thereafter. If required, the learned court would compel the appearance of the absentee accused by exhausting harsher process of law. The learned trial court thereafter would fix at least a schedule consisting of three dates and a schedule must be fixed in each and every 45 days so that twelve witnesses which were relied upon by the prosecution could be completed within a reasonable period of time.

As the courts have been under undue pressure for the last two years because of the COVID-19 surge, I am not specifying a particular schedule within which the trial should be completed, but the learned trial court would take all efforts and endeavour to complete the trial within a reasonable period of time by taking the same to its logical conclusion.

With the aforesaid observations, CRR 1012 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.)

