

Form J(1)

**IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction
Appellate Side**

**Present :
The Hon'ble Justice Bibek Chaudhuri**

C.R.R. 1515 of 2022

**Sarfari Alam @ Suraj
Vs.
The State of West Bengal**

**For the petitioner : Mr. Debasis Kar, Adv.
Mr. Subhojit Choudhury, Adv.
Mr. Arka Tilak Bhadra, Adv.**

**For the State : Mr. Bidyut Kumar Roy, Adv.
Ms. Ratna Ghosh, Adv.**

Heard on : 03.08.2022

Judgment On : 03.08.2022.

Bibek Chaudhuri, J.

This is an application for expeditious disposal of the case No.N-64 of 2021 arising out of Belgharia Police Station Case No.534 of 2021 dated 10th August, 2021 under Sections 20(b)(ii)(c)/29 of the N.D.P.S. Act.

It is submitted by Mr. Debasis Kar, learned Advocate for the petitioner that the accused/petitioner was arrested on 10th August, 2021. Since then he is in custody. On 31st January, 2022 the

Investigating Officer submitted charge-sheet against the petitioner without chemical examination report. Till date no supplementary charge sheet has filed annexing chemical examination report in connection with this case. Therefore, it is presumed that the seized contraband articles have not been examined chemically till date. Without chemical examination report in a case various penal provisions of the NDPS Act, the Trial Court framed charge against the accused on 1st August, 2022.

Be that as it may, the learned Advocate for the petitioner prays for expeditious disposal of the case.

I am afraid to ponder over the matter how charge under Sections 20(b)(ii)(c)/29 of the N.D.P.S. Act could be framed without chemical examination report. It is also not clear to me as to how the trial of the case could be proceeded with without such scientific report.

For the reasons stated above, the instant revision is disposed of directing the Trial Court to specifically direct the Investigating Officer to submit chemical examination report within one month from the date of communication of this order.

After receipt of chemical examination report, he is directed to fix a schedule for examination of the 11 charge-sheeted witnesses. The learned Trial Judge is directed to instruct the prosecution to

produce the witnesses on behalf of the prosecution on the date fixed positively because in a case instituted on police report, it is the duty for the prosecution to produce the witnesses.

With the above direction, the instant revision is **disposed of**.

The learned Trial Judge is directed to take serious endeavour to dispose of the case within six months from the date of communication of this order.

(Bibek Chaudhuri, J.)

***Mithun De/
A.R. (Ct).
SI No.18.
M/L.***