

Court No.
39
Item 21
Ssi

10.03.
2022

C.R.R. 1236 of 2021

In the matter of:- **Rawsan Ali Mir @ Rawson Mir**

(via video conference)

Mr. Angshuman Chakraborty
Mr. Shashanka Shekhar Saha
...for the petitioner

Mr. Imran Ali
Ms. Ayantika Roy
...for the State

This is an application seeking an expeditious disposal of a proceeding in which a charge-sheet was submitted under Sections 399 and 402 of the Indian Penal Code.

Let a copy of this application be served upon Mr. Imran Ali and Ms. Ayantika Roy, learned advocates, 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. The First Information Report was lodged on 19.03.1993 and a charge-sheet was submitted on 31.03.1995 against this accused. Thereafter, several dates went past. Yet, even charges could not be framed. The matter has remained pending

due to the fact that one of the accused had absconded. No effort was made to file the case against the absconding accused and proceed against the others. The proceeding has remained pending for no fault of the present petitioner.

Learned counsel for the State submits that the State would not come in the way if a direction is passed to expedite the proceeding.

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 an inordinate delay has been occasioned in this case, especially considering the fact that the FIR was lodged way back in 1993.

If an accused remains absconding, other coercive measures can be employed to ensure his attendance. Thereafter, if the learned trial Court fails to secure the attendance of an accused, it shall be open to the learned trial Court to file the case against the absconding accused and proceed against the others.

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 after considering whether the case should be filed against the absconding accused and without granting any unnecessary adjournment to any of the parties and in

particular, to consider the question of framing of charge as regards the appearing accused at the earliest, preferably within a period of four months from the next date of hearing.

With these observations, the revisional application is disposed of.

Urgent photostat certified copies of this order may be delivered to the learned Advocates for the parties, if applied for, upon compliance of all formalities.

(Jay Sengupta, J.)