

Form J(1)

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

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

CRR 1934 of 2022

**Sohan Kumar Yadav @ Kush Kumar Yadav and Ors.
Vs.
The State of West Bengal**

Mr. Tapas Kumar Ghosh
Mr. Tanmoy Chowdhury
...for the petitioner

Mr. S. G. Mukherjee, Ld. P.P.
Mr. Arijit Ganguly
Mr. Sanjib Kumar Dan
...for the State.

Item No.03

Heard & Judgment on: 22.07.2022

Bibek Chaudhuri, J.

Vide order dated 16th June, 2022 a Co-ordinate Bench of this Court was pleased to direct the learned P.P.-in-charge to submit a report as to whether supplementary charge sheet has been filed on

receipt of chemical examination report in respect of the contraband articles or not.

Learned P.P.-in-charge has filed a report stating, inter alia, that the supplementary charge sheet has already been filed.

In view of such circumstances, the learned advocate for the petitioner has prayed for issuance of a direction upon the trial Court for expeditious disposal of the case.

It appears from the materials on record that in connection with Gangarampur Police Station Case No.286 of 2020 dated 17th August, 2020 under Sections 21C/27A of the NDPS Act and other penal provisions under the Indian Penal Code, the accused persons were arrested. Since then the accused persons are in custody. On 9th February, 2021 police submitted charge sheet against the accused persons and the supplementary charge sheet has been filed only on 28th June, 2022. Charge has not been framed against the accused persons as yet. It is submitted by the learned advocate for the accused persons/petitioners that the date was fixed for framing of charge by the trial Court on 22nd June, 2022. However, charge could not be framed as supplementary charge sheet was filed.

Trial of a criminal case commences after framing of charge. Since charge has not been framed in the instant case, trial has not

commenced and, therefore, any direction for expeditious trial of the case will be superfluous at this stage.

Therefore, the learned trial Judge is directed to frame charge against the petitioners fixing a date in the month of August, 2022 as per his Court's diary and then proceed with the trial following the provision of Section 309 of the Code of Criminal Procedure.

With the above order, the instant revision is, thus, disposed of.

(Bibek Chaudhuri, J.)