

Form J(2)

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

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

CRR 1979 of 2022

**Naresh Chandra Samaddar alias Nantu
-Vs.-
The State of West Bengal**

For the petitioner: Soujanya Bandyopadhyay

For the State : Mrs. Sujata Das

Item No.17.

Heard & Judgment on: 23.06.2022

Bibek Chaudhuri, J.

The petitioner being an accused in a case under Section 20(C) of NDPS Act has filed the instant revision for expeditious disposal of the case pending before the learned Additional Sessions Judge, 6th Court at Barasat.

On perusal of the materials on record, this Court is of the view that the instant revision can be disposed of with the assistance of the learned P.P.-in-charge. Therefore, Mrs. Sujata Das, learned P.P.-in-charge is requested to assist this Court in the instant matter.

The learned advocate for the petitioner has served a copy of the application to Mrs. Das.

It appears from the materials on record that the petitioner was arrested on 16th January, 2019 on the allegation of illegal possession of narcotic substances beyond permissible limit. Charge sheet was filed against the petitioner. Charge was framed against him on 19th November, 2019. Thereafter, trial could not be commenced for two years during Covid pandemic. Subsequently, out of six charge sheeted witnesses trial Court examined only two witnesses on 16th and 17th June, 2022 and subsequent dates were fixed on 23rd and 26th September, 2022 for examination of remaining witnesses. Attention is drawn to the High Court by Calcutta Appellate Side Notification No.4680-G dated 6th December, 2006 where the High Court framed rule for trial Courts and appealed before sub-ordinate courts mentioning time frame. In respect of criminal trial in the sub-ordinate courts the said notification speaks of the following:-

III. CRIMINAL TRIALS IN THE SUBORDINATE COURTS.

- (a) Criminal Trials should be classified on the basis of nature of offences, sentence to be imposed and on consideration of the fact whether the accused is on bail or in jail.
- (b)
 - (i) Cases involving Capital punishment or Imprisonment for life, under the N.D.P.S. Act, under Sections 376, 395 and 397 of the Indian penal Code, relating to terrorism or offences against the State enumerated in Chapter VI of the Indian Penal Code and cases where any accused being continuously in jail/Correctional Home for more than three months is facing trial from the jail or Correctional Home should be placed in Track 1.
 - (ii) Cases in which large number of persons are involved, such as, cases of mass cheating, economic offences, illicit liquor tragedy, food adulteration and the cases of adulterated, spurious or misbranded drugs and the cases under the Prevention of Corruption Act should be placed in Track 2.
 - (iii) All other cases should be placed in Track 3.
- (c) Endeavour should be made to complete the cases in Track 1 within 9 months, the cases in Track 2 within 12 months and the cases in Track 3 within 15 months from the date of framing the charge or taking the plea.

Thus, a case under NDPS Act falls within Track 1 Rule III (c) says that the trial Court shall take all endeavour to complete the cases in Track 2 within nine months.

Considering the pendency of the cases against the petitioner in the trial Court, the learned trial Judge is directed to take all endeavour to conclude the examination of witnesses positively by the date fixed. The above direction is peremptory. Thereafter, the petitioner shall be examined under Section 313 of the Code of Criminal Procedure and judgment shall be delivered by the trial Court within one week after puja vacation.

Let a copy of this order be sent to the trial Court for strict compliance.

Learned Registrar (Judicial Service), High Court, Calcutta is requested to send a copy of this order along with a copy of High Court Notification No.4680-G dated 6th December, 2006 to all the Judicial Officers of the district judiciary through the respective learned District Judges along with a copy of this order as a guideline to be followed by the learned Judges in sub-ordinate Courts in the matter of disposal of cases, both civil and criminal.

The criminal revision is, thus, disposed of.

(Bibek Chaudhuri, J.)

