

28.09.2022
S/L No.48
KS

C.R.R. 1532 of 2021
Kakoli Nath @ Kakali Nath & Ors.
-Vs.-
State of West Bengal & Anr.

Mr. Sandip Chakraborty
Mr. Debapratim Guha
Mr. Rajiv Lochan Chakraborty
Ms. Anchita Sarkar
..... For the Petitioners
Mr. Swapan Banerjee
Mr. Suman De
.....For the State

The present case was initiated in the year 2003. Almost 19 years have passed since the institution of the case and only one witness has been examined till date. Records of the revisional application reflect that earlier also the accused persons approached this Court in C.R.R. 3603 of 2013 and a Co-ordinate bench was pleased to pass a direction for concluding the trial within a period of six months. However, the said direction was not adhered to by the learned A.C.J.M., Lalbagh, Murshidabad.

Mr. Sandip Chakraborty, learned advocate appearing for the petitioners submits that the present petitioners have been implicated alongwith another nine relations to satisfy the grudge of the complainant/wife. Learned advocate submits that there are hardly any allegations against any of the accused persons and that is why purposely the complainant is dragging the trial of the case. It has also been submitted that during pendency of the trial of the case, two of the accused persons have expired and few of the witnesses have also expired.

Mr. Banerjee, learned advocate appearing for the State has submitted that one witness has already been examined and prosecution has left no stone unturned for concluding the trial of the instant case.

I have considered the submissions of the petitioners and I find that very reasonably agony has been expressed by the petitioners as for a period of 19 years the case is unnecessarily and without any effective measure pending before the learned Trial Court. In view of the aforesaid delay, a last opportunity is granted to the prosecution to conclude its case, as such, the Superintendent of Police, Murshidabad would engage a Nodal Officer of this case who will take all efforts for making the witnesses available before the learned Trial Court on the date so fixed. The learned Trial Court is directed to at least keep one date in a week for the purpose of the case. The other eight witnesses so required may be served with notice for the appearance. The Nodal Officer would assist the learned Magistrate for execution of the notice. In case the witnesses are absent on two occasions, the learned Magistrate would be at his liberty to proceed to the next stage. All efforts must be taken by concluding the trial by 15th January, 2023. Learned Magistrate would deliver his judgment on or before 31st January, 2023 and submit a compliance report before this Court by the 1st week of February, 2023 regarding the disposal of the present case. This Court deprecates the practice of such delayed trial.

With the aforesaid observations, C.R.R. 1532 of 2021 is disposed of.

Pending applications, if any, are consequently disposed of.

Learned Trial Court is directed to strictly follow the directions mentioned above and comply with the order within the schedule so fixed.

All parties are directed to act on the server copy of this order downloaded from the official website of this Hon'ble Court.

(Tirthankar Ghosh, J.)