

The Hon'ble **JUSTICE BIBEK CHAUDHURI**

Mohitosh Halder (@Chor Babu)

The State of West Bengal

For the State:- Ms. Faria Hossain, Adv.,
Ms. Mamata Jana, Adv.

Judgment on: 23rd June, 2022.

BIBEK CHAUDHURI, J. : –

1. Petitioner is the accused in NDPS Case No.51 of 2020 arising out of Basirhat Police Station Case No.240 of 2020 dated 17th February, 2020 under Section 21(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985 presently pending before the learned Additional District and Sessions Judge 6th Court, Barasat, North 24 Parganas.
2. The petitioner has filed the instant revision praying for expeditious disposal of the NDPs instituted against him.
3. On perusal of the application under Section 482 of the Cr.P.C and considering the prayer made by the petitioner, this Court is of the view

that the revisional application can be disposed of here and now in presence of the learned Advocate for the state.

4. Ms. Mamata Jana, learned P.P-in-Charge is requested to represent the State of West Bengal in the instant case. Copy of the revisional application is served upon the learned P.P-in-Charge.

5. The legal remembrancer, Government of West Bengal is requested to regularize the appointment of Ms. Mamata Jana.

6. It is submitted by the learned Advocate for the petitioner that the petitioner was arrested on 17th February, 2020 since then he is in custody for more than two years. In case No.N51 of 2020 charge was framed against the petitioner on 29th September, 2021. Thereafter, the trial court fixed 22nd February, 2022 for examination of the witnesses but only one witness was examined. Subsequently on the next date fixed on 30th & 31st May, 2022 but only PW2 was examined. Despite order of this Court dated 3rd November, 2021 in CRM 6988 of 2021 for expeditious hearing the next date of evidence is fixed on 3rd & 5th September, 2022.

7. It is further submitted by the learned Advocate for the petitioner that the prosecution is not at all serious for speedy disposal of the case. Therefore, necessary direction may be issued upon the court below for expeditious disposal.

8. It is needless to say that in respect of "Case Flow Management", the High Court has issued a notification bearing No.4860 dated 6th December, 2006 in the said notification NDPS case is listed as Track 1 case and trial court is directed to dispose of NDPS case within nine months from the

date of submission of charge-sheet. The learned trial judge failed to take recourse of speedy disposal of the case and thereby violated the High Court notification No.4860 dated 6th December, 2006.

9. In view of such circumstances, the trial court is directed to positively conclude examination of witnesses by December, 2022 and disposed of the case by January, 2023.

10. The instant criminal revision is thus disposed of with the above direction.

11. The learned Advocate for the petitioner is at liberty to communicate this order to the trial court and the trial court is directed to act upon the server copy of the order.

(Bibek Chaudhuri, J.)