

Form J(2)

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

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

C.R.R. 1993 of 2022

**Sri Suman Sarkar
Vs.
The State of West Bengal & Anr.**

**For the petitioner : Mr. Debasish Roy, Adv.
Ms. Sreemayi Roy, Adv.**

**For the O.P.No.2 : Ms. Sreyashee Biswas, Adv.
Ms. Puja Goswami, Adv.**

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

Heard on : 24.06.2022

Judgment On : 24.06.2022.

Bibek Chaudhuri, J.

The learned Advocate on record is at liberty to correct the name of the opposite party No.2/accused in the cause title of the instant revision.

The petitioner is charge-sheeted witness No.1 who has filed the instant application under Section 483 of the Code of Criminal Procedure praying for expeditious disposal of the case. Ms. Sreyashee Biswas, Advocate has entered appearance on behalf of the opposite

party no.2/accused. She is requested to file Vokatnama in the department.

On perusal of the materials on record, this Court is of the view that the instant revisional application can be disposed of here and now with the assistance of the learned Counsel for the petitioner and the private opposite party.

Ms. Faria Hossain, learned Advocate for the State is requested to assist this Court on behalf of the opposite party No.1. Appointment of Ms. Faria Hossain be regularized by the learned Legal Remembrancer, Government of West Bengal.

On perusal of the copy of the FIR and charge-sheet, it is found that a case under Sections 279/304A was registered on 15th March, 2016 by New Town Police Station. Charge-sheet was filed on 20th October, 2016 before the learned Chief Judicial Magistrate, Barasat. The accused was examined under Section 251 of the Code of Criminal Procedure on 31st October, 2017. After framing of charge, till date no witness on behalf of the prosecution has been examined. Surprisingly enough in the instant case charge-sheeted witness No.1 has come forward by filing the instant application to pray for expeditious disposal. Thereby it is prima facie established that he is willing to give evidence in the court below.

It appears to this Court that the prosecution Agency is not only lethargic but also appears to be completely cipher in getting the cases disposed of at an early date.

It is submitted by the learned Advocate for the opposite party No.2 that the accused/opposite party No.2 is all along present in the Trial court. The trial of the case was not delayed due to latches on the part of the opposite party No.2. This Court also admits the said position submitted by the learned Advocate for the opposite party No.2.

It is the duty of the Investigating Agency to produce the witness during trial of the case. This Court is not aware as to whether the Investigating Officer is still posted at New Town Police Station or not. There are only 7 charge-sheeted witnesses.

The learned Additional Chief Judicial Magistrate, Barasat is specifically directed to issue summons upon the witnesses after fixing a schedule for 3 days consecutively within one month from the date of communication of the order through the Officer-in-Charge, New Town Police Station. Production and examination of the witness shall be monitored by a Deputy Commissioner of Police or superior Officer authorized by him attached to Bidhannagar Commissionerate and in-Charge of New Town Police Station. This Court wants to ensure attendance of witnesses on the date of trial.

The learned Additional Chief Judicial Magistrate, Barasat shall prepone the date of trial of the case after receiving the copy of this order. No notice is required to be served to the accused/opposite party as he is represented by his learned Advocate.

The petitioner is at liberty to communicate server copy of this order to the learned Additional Chief Judicial Magistrate, Barasat and the learned Magistrate shall act upon the server copy of the order to conclude the trial of the case.

With the above observations, CRR 1993 of 2022 is, thus, **disposed of.**

(Bibek Chaudhuri, J.)