

Form J(2)

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

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

C.R.R. 2016 of 2022

**Manoj Kumar Shaw
Vs.
The State of West Bengal**

For the petitioner : Mr. Subhajit Chowdhury, Adv.

**For the State : Md. Anwar Hossain, Adv.
Ms. Manisha Sharma, Adv.**

Heard on : 24.06.2022

Judgment On : 24.06.2022.

Bibek Chaudhuri, J.

On perusal of the averment made in the revisional application and the materials on record, this Court is of the view that the instant revisional application can be disposed of with the assistance of the learned Public Prosecutor-in-Charge.

Mr. Anwar Hossain, learned Advocate on behalf of the State is requested to represent the State. The petitioner is directed to serve a copy of the application to Mr. Hossain. Appointment of Mr. Hossain be regularized by the learned Legal Remembrancer, Government of West Bengal.

Grievance of the petitioner is that in G.R. Case No.1634 of 2021, pending before the learned Judicial Magistrate, 3rd Court at Barrackpore, charge was framed on 19th May, 2022. After framing of charge, next date for examination of the witness is fixed after one year and one month i.e. on 17th June, 2023. When this order is placed before the Court, not only the Court but the members of the Bar at large are astonished to see the Trial Court's dealing with a case instituted on police report. If date of examination of witness is fixed after one year and one month of framing of charge, days are not far of when judiciary will not be called on to decide and rectify anomaly by the litigants, but the litigants will take law in their own hand. The learned Magistrate must be aware of such an eventuality in near future.

Without taking any disciplinary action against the learned Judicial Magistrate, 3rd Court at Barrackpore, the instant revisional application is disposed of directing the learned Judicial Magistrate, 3rd Court at Barrackpore to prepone the date of recording evidence after service of notice to both the parties and fix a schedule in terms of Section 309 of the Code of Criminal Procedure and examine all the witnesses.

Endeavour shall be made by the learned Magistrate trying the case to complete witness action within six months from the date of this order.

The instant revision is, thus, **disposed of** on contest. However, there shall be no order as to costs.

(Bibek Chaudhuri, J.)