

IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION
APPELLATE SIDE

The Hon'ble **JUSTICE BIBEK CHAUDHURI**

CRR 2133 of 2022

Sonu Yadav & Anr.

-Vs-

The State of West Bengal

For the petitioner: Mr. Subhabrata Chowdhury, Adv.,
 Ms. Tripti Pandey, Adv.

For the State:- Mr. Avishek Sinha, Adv.,

Heard on: 13th July, 2022.

Judgment on: 13th July, 2022.

BIBEK CHAUDHURI, J. : –

1. This is an application for expeditious disposal of NDPS case no. 31 of 2020 filed by the petitioners/accused persons in custody arising out of S.T.F. Police Station Case no. 20 of 2020 dated 22.08.2020 under Section 21(c)/29 of the Narcotics Drugs and Psychotropic Substances Act, 1984 presently pending before the Learned Judge, Bench-1, N.D.P.S. Court, Calcutta.

2. On perusal of the instant application and the materials on record, this court is of the view that the instant application can be disposed of with the assistance of the learned public prosecutor-in-charge on behalf of the State. Therefore Mr. Avishek Sinha, learned advocate is requested

to assist this court on behalf of the state. Appointment of Mr. Avishek Sinha be regularized by the learned Legal Remembrancer, Government of West Bengal.

3. It is submitted by the learned advocate for the petitioners that the petitioners were arrested on 22nd August, 2020 under Section 21(c)/29 of the Narcotics Drugs and Psychotropic Substances Act, 1984. Since then they are in custody. On 22nd December, 2020 charge-sheet was submitted being no. 63/2020 naming 10 witnesses to be examined. Only one witness was examined on 16th March, 2022. Subsequently dates were fixed for recording evidence on 01.06.2022 and 02.06.2022 but none of the prosecution witnesses was present.

4. In a case instituted on police report, it is duty of the prosecution to produce the witness at the time of trial. The prosecution may take help of the Investigating Officer to ensure production of the witnesses on the date fixed for trial. In the instant case, the prosecution failed to produce any witness on 1st June, 2022 and 2nd June, 2022.

5. Under such circumstances, the instant revision is disposed of directing the trial court to instruct the prosecuting agency to produce the charge-sheeted witnesses on behalf of the prosecution for examination positively on the date fixed. The learned trial judge is also directed to carry on the trial of the case fixing a schedule for examination of the witness in accordance with the provision under Section 309 of the Cr.P.C.

6. The instant criminal revision is accordingly disposed of.

7. In view of such circumstances, the instant revision is disposed of directing the Trial Court to dispose of the above mentioned case within six months from the date of communication of this order.

8. The petitioner is at liberty to communicate the server copy of the order in the court below.

(Bibek Chaudhuri, J.)