

IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION
APPELLATE SIDE

The Hon'ble **JUSTICE BIBEK CHAUDHURI**

CRR 2208 of 2022

Sariful Molla @ Gora

-Vs-

The State of West Bengal

For the petitioner: Mr. Angshuman Chakraborty, Adv.,
 Mr. Shashanka Shekhar Saha, Adv.

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

Heard on: 11th July, 2022.

Judgment on: 11th July, 2022.

BIBEK CHAUDHURI, J. : –

1. The petitioner is the accused in N-65 of 2021 arising out of Haroa Police Station Case No. 223 of 2021 dated 28.05.2021 under Section 21(c) of Narcotic Drugs and Psychotropic Substances Act 1985 (hereinafter described as the said Act) pending before the Learned Additional Sessions Judge, 6th Court, Barasat.
2. The petitioner has filed the instant revision praying for expeditious disposal of the NDPS case 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. Mr. Avishek Sinha 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 Mr. Avishek Sinha.

6. It is submitted by the learned Advocate for the petitioner that the petitioner was arrested in connection with the aforementioned case on 28th May, 2021. After filing of the charge-sheet the trial court framed charge against the petitioner under Section 21(C) of the NDPS Act on 10th March, 2022. Subsequently, date was fixed for examination of the witnesses on 4th June, 2022 but no witness was present and next date for evidence was fixed on 26.09.2022.

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 the instant case, however, the learned trial judge fixed dates of examination of the witnesses on 4th June, 2022 but no witness was produced by the prosecution on that date.

10. In a case instituted on a police report, it is the duty of the prosecution to produce the witnesses. The Investigating Officer is duty bound to produce the witnesses at the time of trial. But unfortunately the prosecuting agency does not take any step for production of witnesses rendering delay in disposal of the cases.

11. Under such circumstances, the instant criminal revision is disposed of directing the learned trial judge to specifically instruct the Public Prosecutor-in-Charge of NDPS Cases to take step for production of witnesses. In this regard he may take the help of the Investigating Officer. The learned trial judge will see that under no circumstance witness action is delayed. The instant revision is accordingly disposed of with a direction to the trial judge to instruct the prosecution to produce the witnesses for examination during trial of the case. He is also directed to fix the schedule of trial so that the matter may be disposed of at an early date.

(Bibek Chaudhuri, J.)