

IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION
APPELLATE SIDE

The Hon'ble **JUSTICE BIBEK CHAUDHURI**

CRR 2216 of 2022

Limon Malakar & Anr.

-Vs-

The State of West Bengal

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

For the State:- Mr. Mainak Gupta, Adv.,

Heard on: 11th July, 2022.

Judgment on: 11th July, 2022.

BIBEK CHAUDHURI, J. : –

1. The petitioners are the accused in N-129 of 2019 arising out of Gaighata Police Station Case No. 672 of 2019 dated 03.09.2019 under Section 20(b)(ii)(c) of Narcotic Drugs and Psychotropic Substances Act 1985 pending before the Learned Additional Sessions Judge, 6th Court, Barasat.

2. The petitioners have 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 petitioners, 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. Mainak Gupta, 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. Mainak Gupta.

6. It is submitted by the learned Advocate for the petitioners that the petitioners were arrested in connection with the aforementioned case on 03.09.2019. After filing of the charge-sheet the trial court framed charge against the petitioners under Section 20(b)(ii)(c) of the NDPS Act on 9th February, 2021. Subsequently, date was fixed for examination of the witnesses on 7th May, 2021 and 10th May, 2021 but no witness was examined. Several adjournments were taken and on 05.03.2022 PW1 was examined. Next date for production and evidence was fixed on 09.09.2022 and 12.09.2022.

7. It is further submitted by the learned Advocate for the petitioners 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 January, 2023 and dispose of the case by February, 2023.

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

11. The learned Advocate for the petitioners 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.)