

IN THE HIGH COURT AT CALCUTTA  
CRIMINAL REVISIONAL JURISDICTION  
APPELLATE SIDE

The Hon'ble **JUSTICE BIBEK CHAUDHURI**

**CRR 2217 of 2022**

**Bhairab Sarkar & Anr.**

**-Vs-**

**The State of West Bengal**

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

For the State:-              Mr. Rudradipta Nandi, Adv.,

Heard on: 11<sup>th</sup> July, 2022.

Judgment on: 11<sup>th</sup> July, 2022.

**BIBEK CHAUDHURI, J. : –**

1.     The petitioners are the accused in N-124 of 2020 arising out of Basirhat Police Station Case No. 770 of 2020 dated 24.06.2020 under Section 21(c)/ 29 of Narcotic Drugs and Psychotropic Substances Act 1985 pending before the Learned Additional Sessions Judge, 6<sup>th</sup> 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. Rudradipta Nandi, 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. Rudradipta Nandi.

6. It is submitted by the learned Advocate for the petitioners that the petitioners were arrested in connection with the aforementioned case on 24.06.2020 and since then they are in custody. After filing of the charge-sheet the trial court framed charge against the petitioners under Section 21 (c)/ 29 of the NDPS Act on 10.09.2021. Subsequently, date was fixed for examination of the witnesses on 14.01.2022 but no witness was examined. On 14.03.2022 and 31.05.2022 PW1 and PW2 were examined respectively. Next date for production and evidence was fixed on 26.08.2022 and 29.08.2022.

7. It is unfortunate to note that the learned trial judge examined only one witness per day on 14.03.2022 and 31.05.2022. It is specifically provided in Section 309 of the Cr.P.C that in a criminal trial the witnesses are to be examined in one schedule and trial shall be continued from day-to-day until all the witnesses in attendance have been examined. The learned trial judge has failed to follow Section 309 of the Cr.P.C.

8. It is needless to say that in respect of "Case Flow Management", the High Court has issued a notification bearing No.4860 dated 6<sup>th</sup> 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 6<sup>th</sup> 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.)**