

Form J(2)

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

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

CRR 2264 of 2022

**Bablu Sardar and another
Vs.
The State of West Bengal**

Mr. Angshuman Chakraborty
Mr. Shashanka Sekhar Saha
...for the petitioners

Mr. Pratick Bose
Mr. Surajit Saha
..for the State

Item No.44.

Heard & Judgment on: 06.07.2022

Bibek Chaudhuri, J.

The petitioner has approached this Court invoking revisional jurisdiction with a prayer for expeditious disposal of N. 45/2021 arising out of Baduria Police Station Case No.167/2021 under

Sections 21 (c) /29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

On perusal of the averment made in the instant revision this Court is of the view that this revision can be disposed of here and now with the assistance of learned P.P.-in-charge. Mr. Pratick Bose and Mr. Surajit Saha, learned advocates on behalf of the State are requested to assist this Court. Their appointment be regularized by the learned Legal Remembrancer, Government of West Bengal.

Learned advocate for the petitioner is directed to serve a copy of the application to the learned advocates for the State.

In the instant case, it is alleged by the petitioner that he was arrested in Baduria Police Station Case No.167/2021 for allegedly committing offence under Section 21(c)/29 of the said Act. Since then he is in custody. Police submitted charge sheet on 18th April, 2021. There are nine witnesses in the charge sheet. On 3rd February, 2022 subsequently charge sheet has been submitted. The trial Court framed charge against the accused on 10th March, 2022. A date was fixed on 3rd June, 2022 for examination of the witnesses but no witness was produced by the prosecution. Next date is fixed on 26th September, 2022.

On careful perusal of the list of dates I am not in a position to accept that due to some negligent act of the trial Court, trial of the

case is being delayed. The learned trial Judge fixed date for examination of the witnesses but due to non-production of the witnesses which is the duty of the Investigating Officer, examination could not be made. Therefore, the instant revisional application is disposed of directing the trial Court to take positive step on the next date of examination of the witnesses to ensure attendance of at least two witnesses. Subsequently, he will prepare a schedule of trial in terms of the provision of Section 309 of the Code of Criminal Procedure so that the trial can be concluded expeditiously.

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

(Bibek Chaudhuri, J.)