

Form J(1)

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

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

CRR 2319 of 2022

**Rahul Jaiswal
Vs.
The State of West Bengal**

Mr. Soumojit Das Mahapatra
Mr. A. A. Alamgir
Ms. Riya Das
Ms. Rabia Khatun
...for the petitioner

Md. Kutubuddin
...for the State

Item No.190ML

Heard & Judgment on: 08.08.2022

Bibek Chaudhuri, J.

The accused/petitioner has prayed for expeditious disposal of NDPS Case No.8 of 2020 arising out of Serampore

Police Station Case No.52 of 2020 dated 11th February, 2020 under Sections 20(b)(ii)(c) of the Narcotic Drugs and Psychotropic Substances Act presently pending before the learned Special Judge under NDPS Act at Hooghly.

On perusal of the instant revision and considering the nature of the relief claimed this Court is of the view that the instant revision can be disposed of here and now with the assistance of the learned advocate for the State.

Therefore, Md. Kutubuddin, learned advocate is requested to assist this Court on behalf of the State respondent.

The appointment of Md. Kutubuddin be regularized by the learned Legal Remembrancer, Government of West Bengal.

It is submitted by the learned advocate for the petitioner that the accused was arrested in connection with the above mentioned case by the police on 11 February, 2020 with an allegation that he was found in possession of narcotic substances above the commercial quantity. Police submitted charge sheet against the accused and the trial Court framed charge against the accused on 24th September, 2021. Subsequently, date for recording evidence was fixed on 13th January, 2022, thereafter on 12th May, 2022 and the next date of hearing of the case is fixed on 19th November, 2022. On previous

dates prosecution failed to produce any witness for examination. The accused is languishing in jail without any trial.

It is important to note that in a case instituted on police report it is the duty of the prosecution to produce witnesses. However, it is the consistent experience of the Court that the learned Public Prosecutor in the Special Courts all over the State do not take any positive step for production of the witnesses. There are seventeen witnesses in the charge sheet. Not a single witness was produced by the prosecution on the previous dates of trial.

Under such circumstances, the instant revision is disposed of directing the trial Judge to instruct the Special Prosecutor to produce at least three witnesses on 19th November, 2022. Thereafter, the learned trial Judge shall fix a schedule of examination of witnesses in terms of the provision under Section 309 of the Code of Criminal Procedure and take serious endeavour to examine all the witnesses within six months from the date of communication of the order.

With the above direction the instant revision is disposed of.

(Bibek Chaudhuri, J.)