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**C.R.R. 2327 of 2022**

**In the matter of : Mahabur Hossain Gazi  
.... Petitioner**

Mr. Soumojit Das Mahapatra

Ms. Riya Das

Mr. Noor Nobi Shekh

... for the petitioner

Ms. Baisali Basu

... for the State

The petitioner is an accused in N.D.P.S. Case No. 11 of 2022 pending before the learned Judge, Special Court under N.D.P.S. Act at North 24-Parganas, Barasat.

The petitioner has filed the instant revision praying for expeditious disposal of the abovementioned special case.

On perusal of the averments made by the petitioner in his revisional application and considering the submissions made by the learned Advocate for the petitioner, 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.

Ms. Baisali Basu, learned Advocate, who appears on behalf of the State, is requested to represent the opposite party in the instant matter.

The appointment of the abovenamed learned Advocate be regularised by the learned Legal Remembrancer, Government of West Bengal.

It appears from the records that the petitioner was arrested on 20<sup>th</sup> January, 2022 while allegedly possessing narcotic substances above commercial quantity. A F.I.R. was registered against the petitioner and the police took up investigation of the case. Charge-sheet was submitted on 25<sup>th</sup> February, 2022 and on 6<sup>th</sup> May, 2022 the trial Court framed charge against the accused. Date was fixed on 29<sup>th</sup> July, 2022 for recording evidence. However, no witness was turned up in the trial court and the learned Trial Judge was not able to examine any witness.

It appears from the list of dates stated above that the learned Trial Judge has taken a prompt action for initiation of trial of the case. It is the duty of the Investigating Officer to produce the witnesses on behalf of the prosecution. In spite of fixing date for recording evidence, no witness on behalf of the prosecution was tendered before the trial court and therefore, witness examination was not started.

Considering the progress of this case, this Court is of the view that specific direction of expeditious disposal is not necessary.

However, the learned Trial Judge is requested to direct the Investigating Officer through the learned Public Prosecutor conducting the case for production of witnesses on the next date fixed. If all the witnesses are not examined on the next schedule, the learned Trial Judge shall fix a schedule of

examination of the witnesses under the provisions of Section 309 of the Code of Crimination Procedure.

Following the above procedure, the learned Trial Judge shall dispose of the N.D.P.S. Case No. 11 of 2022, in accordance with law.

With the above direction, the instant revisional application is disposed of.

(Bibek Chaudhuri, J.)