

Form J(1)

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

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

C.R.R. 2331 of 2022

**Suraj Ali Mondal
Vs.
The State of West Bengal**

**For the petitioner : Mr. Soumik Ganguly, Adv.
Mr. Nimai Rai, Adv.
Mr. Nazmut Touhid, Adv.
Mr. Sourat Nandi, Adv.**

Heard on : 08.08.2022

Judgment On : 08.08.2022.

Bibek Chaudhuri, J.

It is unfortunate to note that the accused person approaches this Court time and again for expeditious disposal of criminal case instituted against him. On perusal of the instant application it is ascertained that the accused was arrested on 27th February, 2020 in connection with Basirhat Police Station Case No.280 dated 26th February, 2020 under Section 21(C) of the Narcotic Drugs and Psychotropic Substances Act. Since then he is in custody. Previously

the accused made an application for bail before this Court, which was registered as CRM 7002 of 2021. The said criminal motion was disposed of vide order dated 1st November, 2021 directing the Trial Court to dispose of the case expeditiously. It also appears from the order dated 11th November, 2021 that the learned Trial Judge on receipt of the copy of the order passed in CRM 7002 of 2021, had kept with the record without passing any order for expeditious disposal of the case. Subsequently date was fixed on 23rd December, 2021 but no witness was examined on that date. Examination of P.W.1 was concluded on 11th February, 2022. Subsequently thereto, no witness could be examined by the Trial Court though series of dates were fixed.

It appears from the certified copies of the order that the learned Trial Judge mechanically goes on passing orders fixing one date after another for hearing of the case. However, the learned Trial Judge has failed to direct the Special Public Prosecutor to produce the witnesses on the date fixed for recording evidence. The learned Special Judge being a senior Sessions Judge hopefully needs to understand that in a case instituted by a police report, it is the duty of the prosecution to produce the witnesses. For these reasons, summons in the names of the witnesses are prepared and submitted before the Presiding Officer from the office of the learned Public

Prosecutor or Special Public Prosecutor as the case may be. If the witnesses are not present on the date fixed, the learned Trial Judge has every authority to take proper action directing the Special Public Prosecutor to produce the witnesses for examination on the next date.

However, I do not find any such order in the record in spite of specific direction for expeditious hearing of the case being made in CRM 7002 of 2021.

For the reasons stated above, the instant revision is disposed of directing the Trial Judge to instruct the Public Prosecutor or Special Public Prosecutor to produce the witnesses on the next date. If he fails to produce the witnesses, the learned Trial Judge is at liberty to take step in accordance with law. He may also close the evidence on behalf of the prosecution if situation so demands.

Therefor, the instant revision is **disposed of** directing the learned Trial Judge to conclude the examination of the charge-sheeted witnesses within 30th September, 2022.

(Bibek Chaudhuri, J.)

**Mithun De/
A.R. (Ct).
SI No.194..
M/L.**