

Form J(1)

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

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

CRR 2414 of 2022

**Enamul Sekh @ Inamul Haque @ Pradip
Vs.
The State of West Bengal**

For the petitioner : Mr. Angshuman Chakraborty, Adv.

For the State : Mr. Aniket Mitra, Adv.

Judgement on : 04.11.2022.

Bibek Chaudhuri, J.

This is an application for expeditious disposal of NDPS Case No. 34/2020 under Section 21(c) of the NDPS Act pending before the Learned Additional Sessions Judge-cum-Special Court, 6th Court at Barasat for adjudication.

On perusal of the materials-on-record and having heard the Learned Advocate for the petitioner this Court is of the view that the instant revision can be disposed of with the assistance of an Advocate on behalf of the State here and now. Therefore, Mr. Aniket Mitra, Learned Public Prosecutor-in-Charge is requested to assist this Court. The petitioner is directed to serve a copy of the application to Mr. Mitra here and now. Appointment of Mr. Mitra be regularized by the Learned Legal Remembrancer, Government of West Bengal.

It is submitted on behalf of the petitioner that the petitioner was arrested in connection with the above-mentioned case on 2nd February, 2020. Charge-sheet was filed against him alleging illegal possession of 5 liters of codeine mixture on 7th May, 2020. Subsequently on receipt of the scientific examination report of the seized material, supplementary charge-sheet was filed on 8th January, 2021. After framing of charge against the accused date was fixed on 4th February, 2022 for recording evidence but no witness turned up on that date. Subsequent dates were fixed on 04.05.2022, 05.05.2022, 16.08.2022, 17.08.2022, 16.09.2022 and 17.09.2022 but the trial has been stalled due to some unknown reasons. There are only nine witnesses in the charge-sheet. Till date prosecution fails to examine any witness except one. Therefore, the petitioner has filed the instant application for expeditious disposal of the aforementioned case.

In a criminal trial it is the duty of the prosecution to produce witnesses on behalf of the prosecution for examination. It appears that the Learned Special Public Prosecutor attached to the Trial Court did not take effective step for production of witnesses. Accordingly, the trial of the case is being delayed.

Therefore, the instant criminal revision is disposed of directing the Learned Trial Judge to take effective step through the Public Prosecutor for production of witnesses positively on the next date fixed. He is further directed to proceed with the trial in accordance with the provision contained in Section 309 of the Code of Criminal Procedure.

With the above order the instant revision is **disposed of**.

(Bibek Chaudhuri, J.)

Srimanta, A.R.(Ct.)
Item No. 11.