

Form J(1)

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

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

CRR 2446 of 2022

**Sajal Halder
Vs.
The State of West Bengal**

**For the petitioner : Mr. Debarshi Brahma, Adv.,
Mr. Sagnik Mukherjee, Adv.
Kaustav Das, Adv.**

Judgement on : 14.11.2022.

Bibek Chaudhuri, J.

This is an application for a direction upon the Trial Court for expeditious disposal of NDPS Case No. 116/2021 under Section 21(c) /29 of the NDPS Act pending before the Learned Judge-cum-Special Court (NDPS) Act, Krishnagar at Nadia.

It is ascertained from the submission made by the Learned Advocate for the petitioner as well as on scrutiny of the application that the accused was arrested allegedly while possessing 5,700 bottles of phensedyl. After arrest and seizure of narcotic drugs as stated above, Police conducted investigation of the case and submitted charge-sheet on 15th January, 2022 against the petitioner. On the very next date, i.e., 24th February, 2022 the Learned Trial

Judge framed charge against the accused under Section 21(c)/29 of the N.D.P.S. Act. Subsequently the Trial Judge fixed schedule under Section 309 of the Code of Criminal Procedure for examination of witnesses on 8th to 10th June, 2022. In the said schedule only one witness was examined. Subsequent schedule was fixed on 7th September to 9th September, 2022. It is not stated as to whether any other witness was examined during the second schedule or not. The date of subsequent schedule has also not been stated. However, Learned Advocate for the petitioner submits that the next schedule is fixed on 6th to 9th January, 2023.

On careful consideration of the averment made in the instant application and having heard the Learned Advocate for the petitioner I do not find any laches on the part of the Learned Trial Judge in concluding the trial. However, trial of the case could not be concluded due to non-appearance of the witnesses.

Under such circumstances, the Learned Trial Judge is requested to take positive step so that the witnesses as per charge-sheet may be examined in the next schedule.

With the above direction, the instant revision is **disposed of**.

(Bibek Chaudhuri, J.)