

Form J(1)

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

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

C.R.R. 2515 of 2022

**Goni Biswas
Vs.
The State of West Bengal**

**For the petitioner : Mr. Afreen Begum Adv.
Mr. Ankan Biswas, Adv**

Heard on : 17.08.2022

Judgment On : 17.08.2022.

Bibek Chaudhuri, J.

This is an application praying for direction upon the Trial Court to expedite the hearing of case No.N-188 of 2020 under Sections 21(C) of the Narcotic Drugs and Psychotropic Substances Act presently pending before the learned Special Judge(NDPS)-cum-Additional Sessions Judge, 6th Court at Barasat.

It is stated by the petitioner that he was arrested in connection with Baduria Police Station Case No.514 of 2020 on 14th September, 2020 on the allegation of commission of offence punishable under Section 21(C) of the NDPS Act. Since then he is in custody. Charge-sheet has been submitted in the aforesaid case on 11th November,

2020 and 7th July, 2021 respectively. The Trial Court framed charge against the accused on 17th December, 2021. However, till date no witness was examined though dates were fixed for recording evidence of the witnesses on behalf of the prosecution.

It is also submitted by the learned Advocate for the petitioner that the next date is fixed on 16th September, 2022 and 17th September, 2022 and there are 8 charge-sheeted witnesses to be examined by the Trial Court.

It is needless to mention that in a case instituted on police report, it is the duty of the prosecution to produce witnesses for recording evidence. Summons to the witnesses are sent on the basis of the requisites filed by the learned Public Prosecutor or the learned Special Public Prosecutor, as the case may be before the learned Trial Judge. For expeditious disposal of a case, the learned Trial Judge has the onerous duty to stimulate the Special Public Prosecutor to take active step for production of witnesses. In the instant case though the Trial Court fixed two dates i.e. 16th September and 17th September, 2022 for recording evidence of the witnesses, he did not fix any schedule mentioning the name and number of the charge-sheeted witnesses to whom he proposes to examine. Therefore, it is prima facie clear that the learned Trial Judge is completely depended upon the prosecution for examination of the witnesses and the

prosecution on its sweet will decides if the witnesses would be produced or not on a particular date.

Under such circumstances, the instant revision is disposed of directing the learned Trial Judge to take proactive step for production of charge-sheeted witnesses for examination on the next dates fixed.

Since the similar type of applications are disposed of by this Court in respect of the cases specially pending before the learned Special Judge (NDPS)-cum-Additional Sessions Judge, 6th Court at Barasat, it is proposed that the learned District Judge, North-24-Parganas at Barasat shall take up the issue administratively only to sensitize and stimulate the Special Public Prosecutors about their roles in respect of production of witnesses during trial of a Sessions case or a case under the NDPS Act.

A copy of this order be sent to the learned District Judge, North-24-Parganas at Barasat for information and necessary action.

(Bibek Chaudhuri, J.)

**Mithun De/
A.R. (Ct).
SI No.30..
D/L.**