

IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION
APPELLATE SIDE

The Hon'ble **JUSTICE BIBEK CHAUDHURI**

CRR 2644 of 2022

Khadem Molla & Anr.

-Vs-

The State of West Bengal

For the petitioner: Mr. Angshuman Chakraborty, Adv.,
 Mr. Shashanka Shekhar Saha, Adv.

For the State:- Mr. S.G. Mukherjee, Ld. P.P.
 Mr. Saryati Dutta, Adv

Heard on: 1st September, 2022.

Judgment on: 1st September, 2022.

BIBEK CHAUDHURI, J. : –

1. The petitioner is the accused in N-78 of 2021 arising out of Haroa Police Station Case No. 242 of 2021 dated 10.06.2021 under Section 21(C)/29 of Narcotic Drugs and Psychotropic Substances Act 1985 presently pending before the Learned Additional Sessions Judge, 6th Court, Barasat.

2. The petitioner has filed the instant revision praying for expeditious disposal of the NDPS case instituted against him.

3. On perusal of the application under Section 482 of the Cr.P.C and considering the prayer made by the petitioner, this Court is of the view

that the revisional application can be disposed of here and now in presence of the learned Advocate for the state.

4. Mr. Saryati Dutta, learned P.P-in-Charge is requested to represent the State of West Bengal in the instant case. Copy of the revisional application is served upon the learned P.P-in-Charge.

5. The legal Remembrancer, Government of West Bengal is requested to regularize the appointment of Mr. Saryati Dutta.

6. It is submitted by the learned Advocate for the petitioner that the petitioner was arrested in connection with the aforementioned case on 10.06.2021 and since then he is in custody. After completion of investigation chargesheet was submitted being no. 276/2021 dated 30.07.2021 with a proposal of 8 witnesses all of whom are police personnel. Thereafter supplementary chargesheet was submitted on 18.01.2022 adding 2 more witness. Thereafter on 05.02.2022 charge was framed against the petitioner under Section 21(C)/29 of the NDPS Act and date was fixed for evidence on 14.06.2022 but no witness was examined. Next date is fixed on 12.09.2022 and 13.09.2022 for evidence.

7. It is unfortunate to note that the learned trial judge failed to examine any witness after charge was framed on 05.02.2022 and fixing dates for examination of witness after a long gap. It is specifically provided in Section 309 of the Cr.P.C that in a criminal trial the witnesses are to be examined in one schedule and trial shall be continued from day-to-day until all the witnesses in attendance have been examined. The learned trial judge has failed to follow Section 309 of the Cr.P.C.

8. It is needless to say that in respect of “Case Flow Management”, the High Court has issued a notification bearing No.4860 dated 6th December, 2006 in the said notification NDPS case is listed as Track 1 case and trial court is directed to dispose of NDPS case within nine months from the date of submission of charge-sheet. The learned trial judge failed to take recourse of speedy disposal of the case and thereby violated the High Court notification No.4860 dated 6th December, 2006.

9. In view of such circumstances, the trial court is directed to positively conclude examination of witnesses by March, 2023 and dispose of the case by April, 2023.

10. The instant criminal revision is thus disposed of with the above direction.

11. The learned Advocate for the petitioner is at liberty to communicate this order to the trial court and the trial court is directed to act upon the server copy of the order.

(Bibek Chaudhuri, J.)