

IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION
APPELLATE SIDE

The Hon'ble **JUSTICE BIBEK CHAUDHURI**

CRR 2670 of 2022

Kele@ Nazimuddin Sk

-Vs-

The State of West Bengal

For the petitioner: Mr. Prabir Majumder, Adv.,

For the State:- Mr. Saryati Dutta, Adv.,

Heard on: 1st September, 2022.

Judgment on: 1st September, 2022.

BIBEK CHAUDHURI, J. : –

1. The petitioner is the accused of N.D.P.S. case No. 59 of 2019 arising out of Nakashipara Police Station Case No.228 of 2019 dated 08.05.2019 under Section 21(C) of Narcotic Drugs and Psychotropic Substances Act 1985 (hereinafter described as the said Act) pending before the Learned Judge, Special Court, NDPS Act, Nadia.
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, Adv.

6. It is submitted by the learned Advocate for the petitioner that the petitioner was arrested in connection with the aforementioned case on 8th May, 2019 under Section 21(C) of the NDPS Act. Since then he is in custody. After filing of the charge-sheet the trial court framed charge against the petitioner under Section 21 (c) of the NDPS Act on 17th March, 2021. Subsequently, date was fixed for examination of the witnesses on 21.06.2021, 22.06.2021 and 23.06.2021. Out of 9 witnesses only 4 witnesses were examined on 26.11.2021, 23.02.2022, 24.02.2022 and 25.02.2022 respectively. Next date for production and evidence was fixed on 19.05.2022, 20.05.2022 and 21.05.2022 but prosecution failed to produce any witness. Next dates of evidence are fixed on 05.08.2022, 06.08.2022 and 08.08.2022.

7. It is further submitted by the learned Advocate for the petitioner that the prosecution is not at all serious for speedy disposal of the case. Therefore, necessary direction may be issued upon the court below for expeditious disposal.

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.)