

Form J(1)

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

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

CRR 2672 of 2022

**Saiful Islam Mondal @ Mithu
Vs.
The State of West Bengal**

Mr. Soujanya Bandyopadhyay
...for the petitioner

Mr. Saswata Gopal Mukherjee, Ld. P.P.
Ms. Faria Hossain
...for the State

Item No.104

Heard & Judgment on: 01.08.2022

Bibek Chaudhuri, J.

This is an application for expeditious disposal of NDPS Case No.N-134 of 2021 pending before the learned Additional Sessions Judge, 6th Court at Barasat.

On perusal of the revisional application this Court is of the view that instant revision can be disposed of here and now with the assistance of the learned Public Prosecutor, High Court, Calcutta and learned. P.P.-in-charge. Therefore, the learned Public Prosecutor, High Court, Calcutta along with Ms. Faria Hossain learned P.P.-in-charge are requested to assist this Court at the time of hearing of the matter.

Appointment of the learned Public Prosecutor, High Court, Calcutta and Ms. Faria Hossain, learned P.P.-in-charge be regularized by the learned Legal Remembrancer, Government of West Bengal.

It is the case of the petitioner that on 6th October, 2021 the petitioner was arrested while allegedly in possession of narcotic substance. Accordingly, Gopalnagar Police Station Case No.587 of 2021 dated 7th October, 2021 under Sections 21(b)/(ii) (c) /25/29 of the NDPS Act was registered against the petitioner. The trial Court framed charge against the accused on 18th July, 2022. The date was fixed on 28th and 29th October, 2022 for recording evidence of the witnesses. It is apprehended by the petitioner that on 28th and 29th October, 2022 no witness would be produced by the prosecution unless a direction be passed by this Court.

On perusal of the progress of the case as averred by the petitioner himself, I do not find any laches of the learned trial Judge in sincerely proceeding with the instant case. Practically no witness has been examined in Case No.N-134 of 2021. The date of recording evidence is fixed on 28th and 29th October, 2022. Without considering the progress of the case, this Court is not in a position to pass any direction at this stage. Therefore, I do not find any merit in the instant revision and in my view the instant revision is premature. Considering such aspect of the matter, the instant revision is dismissed on contest. However, the above order does not debar the petitioner from making the similar prayer if it is found that the prosecution fails to produce any witness for examination or there is delay in trial at proper stage.

(Bibek Chaudhuri, J.)