

25.01. 2022
item No.30
n.b.
ct. no. 34

(via video conference)
CRR 2093 of 2019

Nityahari Sarkar & Anr.
Vs.
The Central Bureau of Investigation

Mr. Ranadeb Sengupta,
Mr. Debasish Mukhhopadhyay,
Ms. Jeenia Rudra
.....for the Petitioners

Mr. Y.J. Dastoor. Ld. A.S.G.
Mr. Phiroze Edulji,
Mr. Samrat Goswami,
.....for the CBI.

The petitioner is aggrieved by the refusal of the order of discharge in an application under Section 227 of the Code of Criminal Procedure passed by the learned Chief Judicial Magistrate, Uttar Dinajpur.

Mr. Sengupta, learned advocate appearing for the petitioners submits that the case was initiated on wrong notion particularly regarding the subject matter of the deposits and the storage concerned. Learned advocate has also referred to the order of the Hon'ble Supreme Court, which reflects that the parties have arrived at the settlement in special leave petition (C) No. 19496 of 1995. The said order reflects that certain conditions were imposed for the purpose of settling including the issues relating to delivery of entire stocks and the entire security deposits. The progress of the case reflects a sorrow state of affairs. The incident took place

in 1991 and the case was registered in the year 1995. Subsequently, chare-sheet was submitted and a discharge petition was filed in the year 2019. It is almost 28 years from the date of the incident.

Mr. Sengupta, learned advocate appearing for the petitioners submits that the petitioners are no way responsible for such delay. This court is not bothered about who is contributing to the delay but it is much more of a concern regarding the systematic delay and somebody who is responsible for these 28 years. The issues raised are absolutely factual in nature which cannot be interfered by this court prior to the trial.

The Trial Court is directed to complete the trial of the case by January 31, 2024. The learned Trial Court on each and every fortnight will fix a date and the schedule of the witnesses on the date fixed would be on the assurance of the Public Prosecutor conducting the case regarding the availability of the witness concerned. In case a witness is absent, the learned Trial Court would be at liberty to exhaust harsher process of law for compelling their appearance with the aforesaid directions

Accordingly, CRR 2093 of 2019 is disposed of.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)