

Form J(1)

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

Present :

The Hon'ble Justice Bibek Chaudhuri

C.R.R. 2947 of 2022

Md. Masud Hassan

Vs.

The State of West Bengal

**For the petitioner : Ms. Anita Kaunda, Adv.
Mr. Anubrata Dutta, Adv.**

For the State : Mr. Sandip Chakrabarty, Adv.

Heard on : 20.12.2022

Judgment On : 20.12.2022.

Bibek Chaudhuri, J.

This is an application under Section 482 of the Code of Criminal Procedure filed on behalf of the accused persons praying for a direction upon the Trial Court for expeditious trial and disposal of Criminal Case No.N-20/2021 under Sections 21(c) of the NDPS Act read with Section 14 of the Foreigners Act.

It is submitted on behalf of the petitioner that the petitioner was arrested allegedly while possessing narcotic substance on 10th February, 2021 by BSF Personnel. Subsequently Bagadh Police Station Case No.102 dated 10th February, 2021 was registered. Police on investigation filed charge against the petitioner on 5th April, 2021 and supplementary charge-sheet on 4th January, 2022. The learned

Trial Judge framed charge against the petitioner vide order dated 14th March, 2022. Subsequently schedule for examination of the witnesses were fixed in the month of June and September but no witness was present on the said schedule. Finally in the schedule commencing from 5th December, 2022, one Mukhesh Kumar was produced by the prosecution and examined as P.W.1 in the said case.

It is submitted on behalf of the petitioner that the de-facto complainant has not been examined as yet. The Trial Court is consuming quite long time to conclude the trial of the aforementioned criminal case.

Having heard the learned Advocate for the petitioner and on careful consideration of the averment made by the petitioner in the instant application, this Court is of the view that the instant application can be disposed of with the help of the learned Public Prosecutor-in-Charge. Therefore, Mr. Sandip Chakrabarty, learned Public Prosecutor-in-Charge is requested to assist this Court.

The petitioner is directed to serve a copy of the application here and now to the learned Public Prosecutor-in-Charge.

I have heard the learned Public Prosecutor-in-Charge. It is submitted by him that the Trial Court may be directed to conclude the trial of the case following the guidelines contained in Section 309 of the Code of Criminal Procedure.

It is learnt from the record that there are only 8 charge-sheeted witnesses. Amongst the said witnesses, one witness has already been examined. Therefore, the instant criminal revision is disposed of directing the learned Additional Sessions Judge, 6th Court cum Special Judge (NDPS), Barasat to positively examine at least four witnesses on the next schedule. Subsequently he shall fix any schedule for examination of the remaining witnesses within four months from the date of communication of this order.

The learned Trial Judge is also requested to take all endeavour to dispose of the trial of NDPS Case No.N-20 of 2021 within six months from the date of communication of this order.

The petitioner is at liberty to communicate the server copy of the order to the learned Trial Judge for his information and compliance.

The application is, thus, **disposed of**.

(Bibek Chaudhuri, J.)

**Mithun De/
A.R. (Ct).
SI No.13.**