

IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION
APPELLATE SIDE

The Hon'ble **JUSTICE BIBEK CHAUDHURI**

CRR 3110 of 2022

Partha Seal

-Vs-

The State of West Bengal

For the Petitioner: Mr. Shashanka Shekhar Saha, Adv.,

For the State: Mr. Debabrata Chatterjee, Adv.,
 Mr. A. Bhattacharya, Adv.

Heard on: 14th December, 2022.

Judgment on: 14th December, 2022.

BIBEK CHAUDHURI, J. : –

1. This is an application for expeditious disposal of G.R. case no. 3187 of 2008 filed by the petitioner/accused person arising out of Barasat Police Station Case no. 1020 of 2008 dated 30th December, 2008 under Section 408 of the Indian Penal Code presently pending before the Learned 2nd Judicial Magistrate at Barasat.

2. On perusal of the instant application and the materials on record, this court is of the view that the instant application can be disposed of with the assistance of the learned public prosecutor-in-charge on behalf of the State. Therefore Mr. Debabrata Chatterjee and Mr. A. Bhattacharya learned advocates are requested to assist this court on behalf of the state.

Appointment of Mr Debabrata Chatterjee and Mr. A. Bhattacharya be regularized by the learned Legal Remembrancer, Government of West Bengal.

3. It is submitted by the learned advocate for the petitioner that the petitioner was arrested on 1st January, 2009 allegedly for committing offence under Section 408 of the Indian Penal Code and thereafter was released on bail by the Learned Court below. After completion of investigation chargesheet was submitted being no. 5 of 200 dated 16th January, 2009 proposing 10 witnesses to be examined during trial. Charge was framed on 28th September, 2010 under section 408 of the IPC and the next date was fixed on 19th March, 2011 for evidence. Several adjournments have been allowed by the Court below without taking any action. None of the witnesses has been examined since 2010 and next date has been fixed on 22.11.2023 for examination.

4. It is further submitted by the learned Advocates for the petitioner that the prosecution is not at all serious for speedy disposal of the case. The petitioner is facing trial since 2008 and no witness has been examined. Therefore, necessary direction may be issued upon the court below for expeditious disposal.

5. It is unfortunate to note that the charge sheet was submitted in the year 2009 and charge was framed against the petitioner on 2010 and till date not a single witness has been examined and next date for evidence is fixed on 22nd November, 2023 almost after a year. This is high time when

trial court should be directed to give preference in the hearing of the case and dispose of the case at the earliest.

6. In view of the above factual position and considering the pendency of the case, the instant revisional application is disposed of directing the trial court, i.e., the learned 2nd Judicial Magistrate, Barasat, North 24 Parganas to examine all the charge-sheeted witnesses within six months from the date of communication of the order and dispose of the case at the earliest.

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

8. 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.)