

IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION
APPELLATE SIDE

The Hon'ble **JUSTICE BIBEK CHAUDHURI**

CRR 3185 of 2022

Sudeb Dey & Ors.

-Vs-

The State of West Bengal

For the Petitioner:	Mr. Angshuman Patra, Adv.,
For the State:	Mr. Sahid Imam, Adv., Mr. Angshuman Chakraborty, Adv

Heard on: 14th December, 2022.

Judgment on: 14th December, 2022.

BIBEK CHAUDHURI, J. : –

1. This is an application for expeditious disposal of S.C. no. 09 (04) 14 corresponding to G.R. case no. 821 of 2013 filed by the petitioners/accused persons in connection with Raidighi Police Station Case no. 830 of 2013 dated 8th April, 2013 under Section 399/402 of the Indian Penal Code and 3 and 4 of Explosive Substance Act presently pending before the Learned Sessions Judge, FTC-I, Diamond Harbour.

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 Sahid Imam and Mr. Angshuman Chakraborty

learned advocates are requested to assist this court on behalf of the state. Appointment of Mr Sahid Imam and Mr. Angshuman Chakraborty be regularized by the learned Legal Remembrancer, Government of West Bengal.

3. It is submitted on behalf of the petitioners that on the basis of suo moto complaint made by one Sudhangsu Biswas, S.I of Raidighi Police Station the FIR Case No.83 of 2013 dated 8th April, 2013 under Section 399/402 of the IPC and Sections 3 and 4 of Explosive Substance Act was registered against the petitioners. On completion of investigation, police submitted charge-sheet against the petitioners on 28th April, 2013. Since the case is exclusively triable by the court of sessions, it was renumbered as SC No.09 (04) 14 and presently pending before the learned Additional Sessions Judge, FTC-I, Diamond Harbour. The petitioners further submit that the trial of the case could not be commenced because of the fact that some of the charge-sheeted accused persons are absconding. However for no fault of their own the petitioners are suffering for last nine years.

4. Considering the averment made by the petitioners and the submission made by the learned Advocate on behalf of the petitioners, this Court is of the view that it is open for the trial judge to split up the criminal case if some of the accused persons are absconding and proceed with the trial against the petitioners.

5. Under such circumstances, the learned trial judge is directed to take up the trial of the petitioners after due consideration of charge after splitting up the record in respect of the absconding accused persons.

6. The learned trial judge is further directed to dispose of the case against the petitioners within six months from the date of communication of this order.

(Bibek Chaudhuri, J.)