

24.11.2022

Item No.14
Ct.No.34
dc.

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

C.R.R. 3198 of 2022

**Pratap Roy @ Gera
versus
The State of West Bengal**

In Re: An Application under Section 482 of the Code of Criminal Procedure, 1973.

Mr. Arunava Ganguly ... For the Petitioner.

Mr. Imran Ali,
Mrs. Debjani Sahu ... For the State.

Learned advocate appearing for the petitioner has expressed his anxiety regarding the manner in which the proceedings are progressing before the learned Special Court in view of the fact that the petitioner is in custody since 31.05.2021.

I find that after submission of charge-sheet, learned court took all efforts to frame charges within a reasonable period of time, but due to non-availability of the witnesses, the trial could not proceed.

In view of the aforesaid, Mr. Imran Ali, learned advocate, who ordinarily appears for the State, is directed to represent the State. His appointment may be regularised by the concerned authorities.

Taking into account the routine delay, which is being caused in the instant case as more than one year five months have passed since the petitioner is in custody, I direct the learned trial court to fix schedule of three dates in every

alternate month so that the trial of the case can be taken to its logical conclusion within a reasonable period of time. No unnecessary adjournment should be granted to either of the parties.

The public prosecutor conducting the case would be duty bound to assure to the learned Special Court regarding the availability of the witnesses prior to the schedule being fixed by the learned Special Court.

The seized alamats/any material which the prosecution proposes to rely must be produced on the relevant date when the witness is appearing before the court for evidence. Any adjournment on the ground of non-production of the materials/documents before the court on the date so fixed for evidence would entitle the learned Special Court to impose cost upon the State for causing delay for non-production of the same.

As there are ten witnesses in this case, learned court would take efforts that in equal manner the witnesses may be called in each and every schedule so that the logical conclusion of the trial may be concluded within a reasonable time.

With the aforesaid observations, the revisional application being CRR 3198 of 2022 is disposed of.

All pending connected applications, if any, are consequently disposed of.

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

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)