

25.11.2022
S/L No.29
KS

C.R.R. 3562 of 2022

Swadesh Biswas
-Vs.-
The State of West Bengal

Mr. Prabir Majumdar
.....For the Petitioner
Mr. Arijit Ganguly
Mrs. Debjani Sahu
.....For the State

Mr. Majumdar, learned advocate appearing on behalf of the petitioner expresses his agony as the petitioner was arrested on 16th March, 2020 and till date no witness has been examined by the prosecution. Mr. Majumdar, learned advocate expresses his plight regarding the manner in which the prosecution has delayed the proceedings for the last two and half years. It has been submitted that the Chemical Examiner's report was very lately handed over and charge could thereafter only be framed on 18th July, 2022. Learned Trial Court fixed next date for evidence in the month of November, 2022 when none of the witnesses appeared and the next schedule/date has been fixed in the month of February, 2023.

Mr. Majumdar, learned advocate appearing for the petitioner is directed to serve a copy of the revisional application upon Mr. Arijit

Ganguly, learned advocate who ordinarily appears on behalf of the State. His appearance may be regularized by the concerned authorities.

I find that there is sufficient cause for expressing such anxiety as the witnesses have not been present in Court on the date so fixed by the Learned Trial Court and the petitioner is in custody for more than 30 months.

Having regard to the present scenario regarding the stage of the trial, I direct the prosecution to take steps for production of the witnesses on the next date so fixed as most of the witnesses belong to the police department. I further direct that no unnecessary adjournment should be granted to either of the parties. The Learned Trial Court should be aware of the fact that on the next date so fixed, the petitioner would be at the verge of completion of three years in custody and without any progress in the trial.

Accordingly, Learned Trial Court should fix a schedule consisting of three dates and such schedule should be fixed each and every month so that the trial of the case can be taken to its logical conclusion within a reasonable period of time. The Learned Public Prosecutor conducting the trial would ensure the Court regarding the availability of the witnesses and the Learned Court would thereafter fix the schedule or dates. It is clarified that no adjournment should be granted on the ground of absence of any police witness for the first three schedules so fixed by the Learned Trial Court in the month of March, April and May, 2023. It is further directed that the seized “Alamats”

which the prosecution intends to rely on in evidence must be produced on the dates on which the Learned Trial Court has fixed the schedule. No lame excuse should be granted by the prosecution for non-production of any material, documents or witness in Court on the date so fixed by the Learned Trial Court. It is reiterated that the petitioner is in custody for two and half years, Learned Trial Court should strictly adhere to the schedule and try to complete the trial by October, 2023.

With the aforesaid observations, C.R.R. 3562 of 2022 is disposed of.

Pending applications, if any, are consequently disposed of.

All parties are directed to act on the server copy of this order downloaded from the official website of this Hon'ble Court.

(Tirthankar Ghosh, J.)