

IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION
APPELLATE SIDE

The Hon'ble **JUSTICE BIBEK CHAUDHURI**

CRR 4098 of 2022

Kundan Rajbhar

-Vs-

The State of West Bengal

For the Petitioner: Mr. Debasis Kar, Adv.,

For the State: Mr. Binay kumar Panda, Adv.,
 Mr. Subham Kanti Bhakat, Adv

Heard on: 14th December, 2022.

Judgment on: 14th December, 2022.

BIBEK CHAUDHURI, J. : –

1. This is an application for expeditious disposal of N case no. 66 of 2021 filed by the petitioner/accused person in custody arising out of Jagaddal Police Station Case no. 628 of 2021 dated 19th August, 2021 under Section 21(C) of the Narcotics Drugs and Psychotropic Substances Act, 1984 presently pending before the Learned Additional Sessions Judge, 1st Court at Barrackpore.

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. Binay kumar Panda and Mr. Subham Kanti

Bhakat learned advocates are requested to assist this court on behalf of the state. Appointment of Mr. Binay kumar Panda and Mr. Subham Kanti Bhakat 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 19th August, 2021 under Section 21(C) of the Narcotics Drugs and Psychotropic Substances Act, 1984 and since then, he is in custody. After completion of investigation Chargesheet was submitted on 10th February, 2022 under Section 21(C) of the NDPS Act proposing 6 witnesses to be examined. All are police personnel. Several dates were fixed for filing chemical examination report but no chemical report is filed and as such charge could not be framed. Next date is fixed on 18.11.2022.

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. Therefore, necessary direction may be issued upon the court below for expeditious disposal.

5. It is needless to say that in respect of “Case Flow Management”, the High Court has issued a notification bearing No.4860 dated 6th December, 2006. In the said notification NDPS case is listed as Track 1 case and trial court is directed to dispose of NDPS case within nine months from the date of submission of charge-sheet. The learned trial judge failed to take recourse of speedy disposal of the case and thereby violated the High Court notification No.4860 dated 6th December, 2006.

6. However, it is ascertained from the averment made in the instant petition that supplementary charge sheet along with chemical examination report has not been submitted as yet. It is premature to pass any order for expeditious disposal of N Case No.66 of 2021. However, the Learned court below is directed to take positive steps directing the investigating officer to file supplementary charge sheet within one month from the date of communication of this order and thereafter take immediate step for consideration of charge against the accused.

7. The instant criminal revision is disposed of with the above order on contest.

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.)