

IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION
APPELLATE SIDE

The Hon'ble **JUSTICE BIBEK CHAUDHURI**

CRR 4487 of 2022

Sahajul Mondal
-Vs-
The State of West Bengal

For the Petitioner: Ms. Soujanya Bandyopadhyay, Adv.,

For the State: Mr. Sudip Ghosh, Adv.,
Mr. Apurba Dutta

Heard on: 14 December, 2022

Judgment on: 14 December, 2022.

BIBEK CHAUDHURI, J. : –

1. This is an application for a direction upon the trial court for expeditious disposal of the case No.N-233 of 2020 arising out of Deganga P.S Case No.615 of 2020 dated 4th November, 2020 under Section 21(C) of the NDPS Act, 1985 pending before the learned Judge, Special Court (NDPS Act), Additional Sessions Judge, 6th Court at Barasat.

2. It is submitted on behalf of the petitioner that the accused was arrested on 4th November, 2020 on the allegation of illegal possession of Narcotic Substance above commercial quantity. Police took up the case for investigation and submitted charge-sheet on 4th March, 2021 against the accused under Section 21(C) of the said Act proposing nine witnesses

in all to be examined by the prosecution. Trial court framed charge against the accused on 13th December, 2021 and fixed 18th April, 2022 for evidence.

3. The petitioner previously moved an application being CRR No.365 of 2022 before this Court and this Court considering the submission made by the learned Counsels for the parties requested the trial court to conclude the trial as expeditiously as possible without granting any unnecessary adjournment to any of the parties by fixing shorter dates, preferably within a period of ten months from the next date of hearing.

4. The learned trial judge did not comply with the said order. On the contrary he fixed 26th and 27th July, 2022 for examination of the witnesses on behalf of the prosecution. No witness on behalf of the prosecution however was present. Next schedule date was fixed on 13th and 14th September, 2022. On that date also prosecution failed to produce any witness. Next schedule was fixed on 14th and 15th November, 2022. Till date only one witness has been examined by the prosecution. Next date has been fixed on 1st and 2nd February, 2023

5. Having heard the learned Advocate for the petitioner and on careful perusal of the entire materials on record, this Court is of the view that the instant revision can be disposed of with the assistance of the learned Public Prosecutor-in-Charge.

6. Therefore, Mr. Sudip Ghosh and Mr. Apurba Dutta are appointed as Public Prosecutor-in-Charge to assist this Court. Appointment of Mr.

Sudip Ghosh and Mr. Apurba Dutta be regularized by the learned legal remembrancer, Government of West Bengal.

7. It is pertinent to note that the learned trial judge was not serious enough to expedite the hearing of the case in spite of specific direction being made by this Court in CRR No.365 of 2022.

8. During trial it is the duty of the prosecution to produce the witnesses who will prove the charge. If the Special Public Prosecutor is not diligent in conducting the trial, it is open for the learned trial judge to take necessary action against him. It is the duty of the court to see that the witnesses are produced on the dates of the trial. From the record it is ascertain that the learned trial judge fixed one after another schedule but failed to examine any witness except one.

9. Under such circumstances, learned trial judge is specifically directed to take positive step for production of witnesses on the next schedule of the trial. He is also directed to prepare schedule for examination of the witnesses in accordance with the provision of Section 309 of the Code of Criminal Procedure. The learned trial judge is specifically directed to conclude the hearing of the case within six months from the date of communication of this order.

10. The instant revision is thus disposed of.

(Bibek Chaudhuri, J.)