

14.09.2022

Item No.4
Ct.No.2
dc.

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CRIMINAL REVISIONAL JURISDICTION**

C.R.R. 178 of 2022

**Sri Jagadish Sen
versus
The Director, Narcotics Control Bureau & Anr.**

In Re: An Application under Section 401 read with Section 482 of the Code of Criminal Procedure, 1973.

Mr. Subhasish Misra,
Mr. Swarup Das

... For the Petitioner.

Mr. Sudipto Kumar Mazumdar,
Mr. Ajoy Kumar Singhania

... For the N.C.B.

The petitioner has challenged the orders dated 11.09.2017 and 04.05.2018 passed by the learned Additional Sessions Judge, 1st Court, Cooch Behar (NDPS) in connection with NDPS Case No. 21 of 2017.

Records of the case reflect that the last of the order which has been enclosed is of 04.05.2018 and the petitioner has been evading the process of law as is reflected from the orders. So far as the other accused person is concerned, the trial of the case is over and the accused who faced the trial has been acquitted of the charges.

It is to be presumed that as the trial of the case is proceeded, the learned trial court had to segregate the case of the present petitioner from the petition who faced the trial as the whereabouts of the petitioner in spite of due diligence of the authorities could not be traced.

So far as the prayer of the petitioner that he would appear and surrender before the court in case the process issued by the learned trial court is stayed in such circumstances, is not acceptable to this Court as the conduct of the petitioner does not inspire confidence. However, if the petitioner surrenders before the learned trial court, the learned trial court will expedite the progress of the trial and see that trial is completed within a period of 18 months from the date of his surrender.

With the aforesaid observations, the revisional application being CRR 178 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.)