

15.09.2022

Item No.53

Ct.No.2

dc.

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

C.R.R. 213 of 2022

**Md. Nijamuddin Sayyed
versus
The State of West Bengal**

In Re: An Application under Section 483 of the Code of Criminal Procedure, 1973.

Mr. Hillol Saha Podder,
Ms. Mousumi Das ... For the Petitioner.

Mr. Aditi Shankar Chakraborty,
Mr. Sourav Ganguly ... For the State.

In spite of direction passed on 12.09.2022, the State has not filed status report regarding the availability of the witnesses. The accused/petitioner is in custody, as submitted, since 01.01.2019 and only one witness has been examined till date. It has been submitted that there are 15 witnesses on whom the prosecution proposes to rely upon to prove its case and majority of the witnesses belong to police department.

As the petitioner is in custody since 01.01.2019 and more than three and a half years have passed in the meantime, I direct the learned trial court to fix schedule consisting of four dates. The learned trial court should fix at least one schedule each and every month on and from November 2022. All efforts must be taken to conclude the trial within a reasonable period of time.

In case, any of the witnesses is absent, the concerned Superintendent of Police would be show-caused regarding the availability of the witnesses. If the reasons are not acceptable, the service records of the concerned witness belonging to the police department should be referred for incorporating indiscipline of the police witness for not appearing before the learned trial court in spite of receiving summons. No lame/unnecessary excuse should be accepted from the witnesses.

It is reiterated that as more than three and a half years have passed, the Superintendent of Police, Darjeeling will engage a Nodal Officer in this case so that the trial of the case is not delayed for absent of the witnesses or the requisite alamats of the prosecution.

Report of compliance to be submitted before the learned Registrar General, High Court, Calcutta in the month of June 2023.

Department is directed to communicate this order to the learned Special Court in seisin of the case.

With the aforesaid directions, the revisional application being CRR 213 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.)