

IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION
APPELLATE SIDE

The Hon'ble **JUSTICE BIBEK CHAUDHURI**

CRR 101 of 2023

Aman Singh
-Vs-
The State of West Bengal

For the Petitioner: Mr. Arunava Ganguly, Adv.,

For the State: Ms. Trina Mitra, Adv.,

Heard on: 17 January, 2023.

Judgment on: 17 January, 2023.

BIBEK CHAUDHURI, J. : –

1. This is an application for expeditious trial and disposal of a case being NDPS Case No.68 of 2022 in connection with Uttarpara Police Station Case No.479 of 2020 dated 16th December, 2020 under Section 21(C) of the NDPS Act read with Sections 25/27 of the Arms Act presently pending before the learned Additional Sessions Judge cum Judge Special Court, Hooghly.

2. It is the case of the petitioner that the petitioner was arrested on 16th December, 2020 and since then he is in custody. In the said case police submitted charge-sheet along with the chemical examination report under Section 21(C) of the NDPS Act against the petitioner and another accused on 8th June, 2021. The learned trial judge framed charge against the accused persons under Section 21(C) of the NDPS Act and 25/27 of

the Arms Act on 15th September, 2021. Thereafter schedules were fixed for recording evidence of the charge-sheeted witnesses on 19th April, 2022, then on 28th September, 2022 and then on 12th January, 2023 fixing three consecutive dates in each schedule. However, during this long period prosecution was able to examine only one witness.

3. It is needless to say that in a case instituted on police report it is the duty of the prosecution to produce the witnesses. In cases under NDPS Act, most of the witnesses are either police personnel or the departmental expert. It is not at all difficult for the prosecuting agency to produce the witnesses in accordance with the schedule of the case but the prosecution grossly failed and neglected to comply with the order of the court regarding examination of witnesses. Therefore, the instant revision is disposed of directing the trial judge to instruct the prosecution strictly to produce the witnesses in the next schedule. If the investigating agency fails to produce witnesses in the next schedule the Officer-in-Charge of Uttara Para Police Station shall be directed to execute the summons issued in the names of the witnesses and to produce the witnesses before the trial court positively.

4. In any case the learned trial judge shall dispose of the instant case by 22nd December, 2023.

5. The instant application is, thus, disposed of.

(Bibek Chaudhuri, J.)