

Form J(1)

**IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction
Appellate Side**

**Present :
The Hon'ble Justice Bibek Chaudhuri**

CRR 189 of 2023

**Jharna Tiwary
Vs.
The State of West Bengal**

Mr. Soumyajit Das Mahapatra
Ms. Madhurai Sinha
...for the petitioner

Mr. Sandip Chakraborty
..for the State

Item No. 13

Heard & Judgment on: 17.02.2023

Bibek Chaudhuri, J.

The petitioner has filed the instant revision praying for a direction upon the trial Court for expeditious disposal of a case being S.T. Case No. 432 of 2013 arising out of Jagacha Police Station Case No. 33 of 2013 dated 23rd January, 2013 under

Sections 302/34 of the Indian Penal Code read with Section Sections 25/27 of the Arms Act and 3/4 of the Explosive Substances Act. The said case is pending before the learned Additional Sessions Judge, Fast Track, 3rd Court at Howrah.

I have gone through the averment made by the petitioner in the instant revision. I have also heard the learned advocate for the petitioner.

In my opinion, this case can be disposed of here and now with the assistance of the learned advocate for the State of West Bengal.

Therefore, Mr. Sandip Chakraborty, learned advocate is requested to assist this Court on behalf of the State.

The petitioner is directed to serve a copy of the application to Mr. Chakraborty which the learned advocate for the petitioner has complied with.

Having heard the learned advocates for the parties it is ascertained that in connection with Jagacha Police Station Case No.33 of 2013 the Investigating Officer submitted charge sheet on 29th July, 2013. The case was committed to the Court of Sessions on 6th November, 2013 and subsequently on transfer to the trial Court charge was framed against the accused persons

on 7th May, 2015. There are 30 charge sheeted witnesses and in between 2015 to 2023 out of 30 witnesses only 12 witnesses have been examined.

It is unfortunate to note that if trial of a criminal case cannot be concluded within a period of long seven years, it is an example of denial of justice to both the de facto complainant and the accused persons for inordinate delay. It is learnt that the original de facto complainant has died. The present petitioner is the relative of the de facto complainant who is pursuing the said criminal case.

Considering the entire aspect of the matter, the instant revision is disposed of directing the learned trial Judge to fix a specific schedule for examination of remaining witnesses as per provision of 309 of the Code of Criminal Procedure.

In any case the learned Magistrate shall conclude recording of evidence of the remaining 18 witnesses within ten months from the date of communication of this order. After examination of the witnesses the learned trial Judge shall come to a logical conclusion of the case within one month thereafter upon examination of the accused under Section 313 of the Code of Criminal Procedure and examination of any D.W. etc. The time

limit should be regarded as peremptory and mandatory and the learned trial Judge must conclude the case within the above mentioned time limit.

The petitioner is at liberty to act on the server copy of this order.

(Bibek Chaudhuri, J.)