

Form J(1)

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

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

CRR 468 of 2023

**Md. Aktarul
Vs.
The State of West Bengal**

**For the petitioners : Mr. Angshuman Chakraborty,
Mr. Shashanka Shekhar Saha.**

**For the State : Mr. Pravas Bhattacharyya,
Mr. M.F.A. Begg.**

Judgement on : 29.03.2023.

Bibek Chaudhuri, J.

This is an application for a direction upon the Trial Court for expeditious disposal of Case No. N-139/2021 arising out of Gaighata Police Station Case No. 1000/2021 dated 29th October, 2021 under Section 21(c) of the NDPS Act and Section 14 of the Foreigners Act presently pending before the learned Additional Sessions Judge, 6th Court at Barasat.

Having heard the learned Advocate for the petitioner and on perusal of the averments made in the instant revision, this Court is of the view that the instant revision can be disposed of with the assistance of the learned Advocate for the State. Therefore, Mr. Pravas Bhattacharyya is requested to assist this Court on behalf of the

State. Appointment of Mr. Bhattacharyya be regularized by the learned Legal Remembrancer, Government of West Bengal.

The revisional application is taken up for hearing. It is found from the record that the petitioner was arrested on 29th October, 2021. Subsequently on 30th November, 2021 charge-sheet was submitted against the petitioner under Section 21(c) of the NDPS Act read with Section 14 of the Foreigners Act. Subsequently, charge-sheet was filed on 16th August, 2022 and on 25th November, 2022 charge is framed. Date of recording evidence was fixed by the Trial Court on 1st March, 2023 to 3rd March, 2023. However, no witness on behalf of the prosecution turned up on those dates.

During trial of a case instituted on Police report it is the duty of the prosecutor to produce the witnesses on behalf of the prosecution. There is every reason to hold that the learned Special Public Prosecutor under the NDPS Act attached to the Court of the learned Additional Sessions Judge, 6th Court at Barasat is not diligent enough for production of witnesses.

Under such circumstances, the learned Trial Judge is directed to see personally that the witnesses should appear on the dates of hearing fixed by him. Since charge was framed only on 28th September, 2022, without fixing a specific period for disposal of the case the instant revision is disposed of directing the learned Trial Judge to take all possible expeditious step for disposal of the above-mentioned case.

With the above direction, the instant revision is disposed of.

(Bibek Chaudhuri, J.)

Srimanta, A.R.(Ct.)
Item No. 173.