

Form J(1)

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

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

C.R.R. 473 of 2023

***Ashish Das
Vs.
The State of West Bengal***

For the petitioner : Mr. Arunava Ganguly, Adv.

For the State : Ms. Sonali Das, Adv.

Heard on : 10.04.2023.

Judgment On : 10.04.2023.

Bibek Chaudhuri, J.

This is an application for a direction upon the Trial Court for disposal of the NDPS Case No.12 of 2020 pending before the Additional Sessions Judge-cum-learned Special Judge, Hooghly.

It is submitted on behalf of the petitioner that the petitioner was arrested with Codeine Mixture of commercial quantity on 26th February, 2020. Thereafter, police submitted charge-sheet on 19th August, 2020 and the Trial Judge framed charge against the accused on 25th February, 2021. Thereafter, the case is fixed for trial but out of 12 witnesses, only one witness has been examined till date.

Considering the averment made in the instant petition and the prayer made on behalf of the petitioner, this Court is of the opinion

that the instant revision can be disposed of with the assistance of Ms. Sonali Das, learned Public Prosecutor-in-Charge on behalf of the State. Appointment of Ms. Das be regularized through the learned Legal Remembrancer, Government of West Bengal.

It is ascertained from the submission made by the petitioner as well as the certified copies of the order-sheet of the above-mentioned NDPS Case that though charge was framed on 25th February, 2021 within the span of more than one year, one witness out of 12 charge-sheeted witnesses have been examined.

The learned Trial Judge must take proactive step and stimulate the learned Public Prosecutor-in-Charge to produce the witnesses on behalf of the prosecution.

At the end of the day it is the duty of the Prosecutor to produce the witnesses. If the Prosecutor does not take proper step for production of witnesses, the case will be automatically kept pending.

For the reasons stated above, the instant revision is disposed of directing the learned Trial Judge to take expeditious step for disposal of the above-mentioned NDPS case at an early date.

The instant revision is, accordingly, disposed of.

Petitioner is at liberty to act on the server copy of the order.

(Bibek Chaudhuri, J.)

Mithun De/

A.R. (Ct).
SI No.90.
D/L.