

13.09.2023
Serial no. 5
[G.S.D]

CRR 539 of 2023

In the matter of : Samar Kanti Ghosh

... .. Petitioner

Mr. Sarthak Barman
Mr. Sankar Halder

... for the petitioner

Mr. S. G. Mukherjee
Mr. Imran Ali
Ms. Debjani Sahu

... For the State

The petitioner is directed to serve a copy of this revisional application upon Ms. Debjani Sahu, Learned Advocate, who ordinarily appears on behalf of the State. Her appearance may be regularised by the concerned authority.

The petitioner is aggrieved by the manner in which the Dum Dum P.S. Case No. 1183 of 2016 is progressing. The petitioner submits that although charge-sheet has been submitted but cognizance has been taken in the year 2021 and, no charge has been framed till date. Although prosecution has relied upon six witnesses to prove its case, but none of the witness, as such, has been examined till date.

More than seven years have passed since the initiation of the case. Charge-sheet has been filed under Section 420/468/120B of the IPC.

Having regard to the fact that more than seven years have passed, I am of the view that the anxiety so expressed by the petitioner, being the complainant, is justified.

Accordingly, I am of the view that the Ld. JM, 2nd Court, Barrackpore should overcome the stage of consideration of charges on the next date so fixed or, within a fortnight thereafter. The Id. Trial Court, would, thereafter, fix at least one date in every 60 (sixty) days so that the trial of the case can be taken to its logical conclusion within a reasonable period of time.

In case, any of the witnesses are not cooperating, then the Id. Trial Court would communicate with the officer-in-charge of the Dumdum P.S., who would ensure regarding the presence of the witnesses concerned before the Id. Court concerned.

Learned Public Prosecutor conducting the case would produce the materials, exhibits and the documents on the next date so fixed for examination of the witnesses concerned. No unnecessary adjournment shall be granted to either of the parties. All stakeholder would cooperate with the Learned Trial Court for concluding the trial at the earliest. If the accused persons do not cooperate with the Id.

Trial Court, then the Ld. Magistrate would be at liberty to modify the conditions relating to bail.

With the aforesaid observations, CRR 539 of 2023 is disposed of.

Pending application, if any, is also disposed of.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court at Calcutta.

(Tirthankar Ghosh, J.)