

Form J(1)

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

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

CRR 609 of 2023

**Safiruddin Kha @ Milon Kha & Ors.
Vs.
State of West Bengal**

**For the petitioners : Md. Ashraf Ali,
Mr. Rafikul Islam Sardar**

**For the State : Mr. Sudip Ghosh,
Mr. Bitasok Banerjee**

Judgement on : 11.04.2023.

Bibek Chaudhuri, J.

Affidavit-of-service filed in Court today be kept with the record.

The victims/injured persons have approached this Court for a direction upon the Trial Court to hear out the argument and dispose of Sessions Case No. 28/2011 under Sections 147/148/149/341/324/326/302 of the Indian Penal Code and Section 9B of the Indian Explosives Act now pending before the learned Additional Sessions Judge, Fast Track Court, Rampurhat, Birbhum. It is submitted by the learned Advocate for the petitioners that after examination of the witnesses and recording of the statement under Section 313 of the Code of Criminal Procedure of the accused persons the case was fixed for argument initially on 8th February, 2021.

Subsequently, on the prayer of the defence the date of the argument was fixed on 2nd March, 2021. There are 22 accused persons. On each and every date some of the accused persons purposefully remained absent causing delay of hearing argument in spite of the fact that dates for hearing argument was fixed on 12.04.2021, 15.06.2021, 15.11.2021, 20.01.2022, 20.04.2022, 07.07.2022, 03.11.2022, 18.11.2022, 19.12.2022 and lastly on 02.03.2023. On all dates due to the absence of some of the accused persons the defence prayed for time and the learned Trial Judge went on adjourning the case mechanically. I fail to understand that argument of a criminal case is being dragged purposefully in such a manner so that the case may not be concluded at the instance of defence. There are specific provisions in the Code of Criminal Procedure that in the absence of the accused persons they can be represented by their learned Advocates and the Court can hear out the argument even in the absence of the accused persons. There is also provision of delivery of judgment in the absence of some of the accused persons in the Code of Criminal Procedure. The learned Trial Judge failed to adopt such procedures in disposing of the above-mentioned case. Under such circumstances, the instant revision is disposed of directing the learned Trial Judge to positively hear out the argument and come to a logical conclusion of the case within one month from the date of communication of the order.

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

(Bibek Chaudhuri, J.)

