

Form J(1)

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

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

CRR 854 of 2022

**Pinaki Dutta
Vs.
State of West Bengal**

**For the petitioner : Mr. Suman Banerjee,
Mr. Yashraj Roy,
Mr. Debayan Ghosh.**

For the State : Mr. Manoranjan Mahata.

Judgement on : 25.04.2023.

Bibek Chaudhuri, J.

Leave is granted to correct the cause title of the instant revision.

The petitioner is the accused in connection with Sealdah GRPS Case No. 178/2014 dated 28th September, 2014 under Sections 468/471/472/420/120B of the Indian Penal Code. In the said case Police submitted charge-sheet on 9th January, 2017 under the above-mentioned penal provisions against the petitioner. Subsequently, the case was taken up for trial by the learned Additional Chief Judicial Magistrate, Sealdah after framing of charge on 11th July, 2017. It is submitted on behalf of the petitioner that there are in all 42 witnesses and out of the said charge-sheeted witnesses only 1 witness has been

examined in part. Thus, a criminal case is pending for last six years virtually without any trial.

Since this is a GR Case this Court is of the view that the instant revision can be disposed of with the assistance of the learned Public Prosecutor-in-Charge here and now. Therefore, Mr. Manoranjan Mahata, learned Public Prosecutor-in-Charge is requested to assist this Court on behalf of the State of West Bengal. Appointment of Mr. Mahata be regularized by the learned Public Prosecutor, High Court, Calcutta. It is unfortunate to state that a case is pending for last six years after consideration of charge and only one witness has been examined in part. It is the duty of the learned Additional Public Prosecutor attached to the Court of the learned Additional Chief Judicial Magistrate at Sealdah to produce the witnesses on the dates of trial. The learned Additional Chief Judicial Magistrate also enjoins a solemn duty to see that a criminal case should be disposed of without any unnecessary delay. It is the fundamental right of the accused to claim disposal of a criminal case. Therefore, the learned Additional Chief Judicial Magistrate, Sealdah is directed to instruct the learned Additional Public Prosecutor and the Inspector-in-Charge of Sealdah GRPS to produce the witness on the dates of trial. The learned Magistrate is also directed to fix the date of hearing of the case pending before him after a gap of three weeks each. The witnesses shall be examined continuously by the learned Magistrate without giving any unnecessary adjournment to either of the parties.

The instant revision is, thus, disposed of.

(Bibek Chaudhuri, J.)

Srimanta, A.R.(Ct.)
Item No. 172.