

10.02.2023

Item No.53
Ct.No.34
dc.

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

C.R.R. 2526 of 2022

**Soumen Saha @ Babusona
versus
The State of West Bengal**

In Re: An Application under Section 482 of the Code of Criminal Procedure, 1973.

Mr. Sudip Ghosh Chowdhury,
Mr. Argha Das ... For the Petitioner.

Mr. S. G. Mukherjee, Ld. P.P.,
Mr. Arijit Ganguly,
Mr. Koushik Kundu ... For the State.

The petitioner is anxious regarding the fact that he is in custody since 2018 and till date only two witnesses have been examined out of the proposed ten witnesses so cited by the prosecution.

The petitioner is directed to serve a copy of this revisional application upon the learned Public Prosecutor, High Court, Calcutta.

Records reflect that for about 4 years 10 months, the petitioner is in custody. In view of the order/direction passed in CRR 3633 of 2022, I direct that the learned Special Court would issue notice upon the office of the Superintendent of Police for assuring the presence of the witnesses on the date so fixed.

Having regard to the period of custody of the present petitioner, in case the learned Special Court deems it fit and proper, it would impose cost upon the non-appearing witness, if he belongs to the police department and if for reasons

which are flimsy, he has excused himself from appearing in the trial court. No unnecessary adjournment should be granted to any of the parties.

Considering the fact that on 23.02.2023, five years would expire, I direct the learned trial court to fix schedule of three dates every fortnight and to see that the examination of the witnesses is completed by 31.05.2023 and by 30.06.2023, the learned Special Court should deliver its judgement.

With the aforesaid observations, the revisional application being CRR 2526 of 2022 is disposed of.

All pending connected applications, if any, are consequently disposed of.

Registrar (Judicial Service), High Court, Calcutta is directed to inform the learned Special Court in seisin of the matter regarding the time fixed for completion of the proceedings of the instant case.

All parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)