

D/L6
14.08.2023
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C.R.R.2436 of 2023
With
CRAN 1 of 2023

In Re: An application under Section 482 of the Code of Criminal Procedure, 1973 read with Article 227 of the Constitution of India for speedy disposal;

Sourav Karmakar alias Gadai
Versus
The State of West Bengal

Mr. Soujanya Bandyopadhyay.
...for the petitioner.

Mr. Saswata Gopal Mukherjee, Ld.P.P.
Mr. Koushik Kundu.
...for the State.

Learned advocate appearing for the petitioner submits that he do not intend to proceed with CRAN 1 of 2023.

Accordingly, CRAN 1 of 2023 is dismissed as not pressed.

Mr. Koushik Kundu, learned advocate, appears on behalf of the State.

The grievance of the petitioner is that the petitioner was arrested on 27th April, 2022 and since then he is in custody. Learned trial court has framed charges on 16th May, 2023 and in spite of schedule being fixed, there has been no progress in the case. Learned advocate submits that there are 11 witnesses on whom the prosecution has relied upon to prove its case.

However, petitioner is in custody for about 14 months.

Having regard to the anxiety expressed by the petitioner, I am of the opinion that the same is justified. Although the learned trial court has been taking diligent steps for progressing with the trial but for reason beyond its control the same is not progressing.

Learned trial court is directed that in case any witness is not appearing on the date so fixed, learned trial court would communicate with the Superintendent of Police of the concerned district who would communicate with the concerned witness who belongs to the Government Department or any other witness who have been cited for the purposes of this case and ensure to the court regarding his appearance on the date so fixed. No unnecessary adjournment should be granted to either of the parties. Learned trial court would in the circumstances fix a schedule consisting of three dates and such schedule be fixed once in every three months so that the trial of the case can be taken to its logical conclusion within a reasonable period of time. The public prosecutor conducting the case would produce the materials, exhibits and documents on the date fixed for examination of the witnesses' concerned. All stakeholders should co-operate with the learned trial court for concluding the trial at the earliest.

With the aforesaid observations, CRR 2436 of 2023 is disposed of.

Pending application, if any, is consequently disposed of.

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 of all requisite formalities.

(Tirthankar Ghosh, J.)

