

18-07-2023
Subha
Item no. 11
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR 2583 of 2023

Krishna Basak
-versus-
State of West Bengal

Ms. Chandrima Debnath
....for the petitioner.

Mr. S. G. Mukherji, Id. PP
Ms. Sayanti Santra
...for the State.

Petitioner is directed to serve a copy of the revisional application upon Ms. Sayanti Santra, learned advocate who ordinarily appears on behalf of the State. Her appointment may be regularized by the concerned Authorities in due course.

Learned advocate appearing for the petitioner submits that the petitioner was arrested on 19th August, 2021 and since then he is in custody and in spite of submission of chargesheet and charge being framed on 20th September, 2022 till date none of the witnesses have been examined by the prosecution.

Having regard to the fact that the petitioner is in custody for about 23 months, the anxiety expressed by the petitioner is justified.

I have perused the ordersheets which have been enclosed with the revisional application and I find that the witnesses are not present as is reflected from the orders dated 11th May, 2023, 12th May, 2023 and the next schedule has been fixed by the learned

special court on 18th September, 2023 to 22nd September, 2023.

Having regard to the period of detention undergone by the petitioner, I am of the opinion that the learned special court would immediately communicate with the Superintendent of Police, Murshidabad who is bound to maintain a register for progress of NDPS cases.

In this case, it has been submitted that out of 10 witnesses cited by the prosecution only two witnesses are independent witnesses and eight witnesses belong to the government department/police department. As such, S. P., Murshidabad will ensure regarding the presence of the witnesses on the next schedule starting from 18th September, 2023. Any further excuse regarding absence of witnesses would not be entertained by this court in future.

The learned special court is directed that in case there is any non-cooperation, a report be sent to this court. The Public Prosecutor appearing in the case would produce the materials, documents and exhibits on the dates fixed for examination of the witnesses concerned.

The learned trial court henceforth would fix a schedule of four dates and fix a schedule once in a month to conclude the trial at the earliest. No unnecessary adjournments should be granted to any of the parties and if any witness is reluctant to appear should be dealt with sternly by the learned trial court.

With the aforesaid observations, the present revisional application being CRR 2583 of 2023 is disposed of.

Pending applications, if any, are consequently disposed of.

All concerned parties are to act in terms of a copy of this order duly downloaded from the official website of this court.

[Tirthankar Ghosh, J]