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19.07.2023
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C.R.R.2601 of 2023

In Re: An application under Article 227 of the Constitution of India;

Sri Deb Kumar Mondal
Versus
The State of West Bengal and others

Mr. Avik Ghatak
Mr. Fahad Imam.
...for the petitioner.

Mr. Saswata Gopal Mukherjee, Ld.P.P.
Mr. Imran Ali
Ms. Debjani Sahu.
...for the State.

Mr. Jaydeep Biswas
Mr. Rishav Singh
Mr. Kaushik Ghosh.
...for the opposite party no.2.

Petitioner is directed to serve a copy of the revisional application upon Mr. Imran Ali, learned advocate, who ordinarily appears on behalf of the State. His appearance may be regularised by the concerned authorities.

Petitioner is also directed to serve a copy of the revisional application upon Mr. Jaydeep Biswas, learned advocate appearing for the accused/opposite party no.2, namely, Somnath Mondal.

Mr. Ghatak, learned advocate appearing for the petitioner is aggrieved by the fact that the application under Section 227 of the Code of Criminal Procedure is pending for more than six months and in the present case, the prosecution in the charge-sheet has relied upon more than 70 witnesses.

Learned advocate submits that the case was initiated in

the year 2021 and the accused persons have adopted dilatory tactics of praying for copies under Section 207 of the Code of Criminal Procedure alternatively, as such, it may not be possible to progress with the trial of the case smoothly.

Be that as it may, I direct the learned sessions court to ensure that the documents on which the prosecution proposes to rely or the documents which are claimed by the accused persons which were collected in course of the investigation be supplied to them and the completion of such supply of copies be completed by 25th July, 2023 or within a week thereafter. The application under Section 227 of the Code of Criminal Procedure which are pending and if the other accused persons are willing to address the court be heard out and the hearing be completed by 30th August, 2023. Learned trial court will thereafter in its discretion fix date for consideration of charges in the first week of September, 2023. (In case the accused persons are not discharged, the learned trial court would take its own decision in respect of the future date). Learned trial court would fix schedule consisting of four dates and fix such schedule once in every 20 days so that the trial of the case can be taken to its logical conclusion within a reasonable period of time.

The Deputy Superintendent of Police or the SDPO-in-Charge of Raina Police Station would act as a Nodal Officer of this case and the learned trial court, if faced with any non-co-operation in respect of witness not appearing in court, would be at liberty to issue notice upon the concerned Officer for ensuring the presence of the witness's concerned. The public prosecutor conducting the case

would produce the materials, documents and exhibits on the date fixed for examination of the witnesses. All stakeholders would cooperate with the trial court for completing the trial at the earliest.

With the aforesaid observations, CRR 2601 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.)