

D/L24
11.08.2023
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C.R.R.2895 of 2023

In Re: An application under Section 482 of the Code of Criminal Procedure, 1973;

Intaj Biswas
Versus
Union of India

Mr. Arnab Chatterjee
Ms. Poulami Bose.
...for the petitioner.

Mr. Arun Kumar Maiti
Mr. Sagar Saha.
...for the Union of India.

Petitioner is directed to serve a copy of the revisional application upon Mr. Arun Kumar Maiti, learned advocate, who ordinarily appears on behalf of the Union of India. His appointment may be regularised by the concerned authorities.

Mr. Chatterjee, learned advocate appearing for the petitioner submits that the petitioner is in custody since December, 2020 and till date after the charge being framed, only one witness has been examined partly, out of five witnesses which have been cited by the prosecution.

As the petitioner is in custody for about 31 months, I am of the view that there are substantial reasons for the petitioner to be anxious. Accordingly, I direct the learned trial court to fix the schedule consisting of three dates and such schedule be fixed once in a month for concluding the trial at the earliest.

It has been submitted that five witnesses have been relied upon by the Narcotic Control Bureau. However, if the officers

who have been cited as witnesses are not presently posted, Zonal Director of the Narcotic Control Bureau would take steps, inform the public prosecutor conducting the case regarding the availability of the witnesses. Learned trial court will issue directions upon the Zonal Director who would inform officially to the public prosecutor conducting the case regarding the availability of the witnesses' concerned. Learned trial court would in such circumstances fix the schedule so that once a witness appears, his evidence is concluded. The trial of the case would continue in spite of resolution of the local bar and the witness should not be allowed to return without deposing in court. The public prosecutor conducting the trial would produce the materials, exhibits and documents on the date fixed for examination of the witnesses. All stakeholders should co-operate with the learned trial court keeping in mind that the accused is in custody for about 31 months.

With the aforesaid observations, CRR 2895 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.)

