

D/L103
08.02.2023
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C.R.R.3192 of 2022

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

Abul Kalam Gazi alias Babu
Versus
The State of West Bengal

Mr. Angshuman Chakraborty.
...for the petitioner.

Mr. Saswata Gopal Mukherjee, Ld.P.P.,
Mr. Anwar Hossain,
Ms. Debjani Sahu.
...for the State.

Petitioner is directed to serve a copy of the revisional application upon Mr. Anwar Hossain, learned advocate, who ordinarily appears on behalf of the State. His appointment may be regularised by the concerned authorities. He is entitled to have a junior of his choice.

Learned advocate for the petitioner is anxious regarding the fate that the petitioner was arrested on 15th April, 2020 and is still in custody. It has been submitted that there are nine witnesses in the present case and none of the witnesses till date have been examined by the prosecution.

In view of the order passed by this Court in CRR 3363 of 2022 dated 03.02.2023, this Court grants liberty to the learned special court to send show cause notice to the office of the Superintendent of Police in case any of the witnesses are not present. Schedule of three dates at a stretch must be fixed by the learned trial court and such schedule must be fixed once in a

month till the trial of the case is taken to its logical conclusion. State is directed to produce the alamats on the date so fixed and no unnecessary adjournment should be sought for on the ground that material evidence required to be produced or admitted is not available. Any adjournment sought for on the ground of non-appearance of any witness belonging to the police department should be taken seriously as the matter is stalling for about 34 months. The proceedings of the trial of this case would continue before the learned court in spite of any resolution taken by the local bar for non-participating in the proceedings.

With the aforesaid observations, CRR 3192 of 2022 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.)