

Form J(1)

**IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction
Appellate Side**

**Present :
The Hon'ble Justice Bibek Chaudhuri**

CRR 3193 of 2022

**All Hassain Mondal & Anr.
Vs.
State of West Bengal**

For the petitioners : Mr. Shashanka Shekhar Saha, Adv.

For the State : Mr. Saibal Bapuli, Adv.

Judgement on : 16.01.2023.

Bibek Chaudhuri, J.

This is an application for a direction upon the Trial Court for expeditiously disposal of Case No. N – 228/2020 arising out of Baduria Police Station Case No. 645/2020 dated 8th November, 2020 under Section 21(C)/29 of the NDPS Act pending before the learned Additional Sessions Judge, 6th Court at Barasat.

It is submitted on behalf of the petitioners that the petitioners were arrested allegedly while possessing narcotic substance above commercial quantity on 8th November, 2020. Police submitted charge-sheet on 17th December, 2020 and on 22nd May, 2021 supplementary charge-sheet was submitted. There are in all 10 witnesses to be examined by the Trial Court to dispose of the case. The Trial Court framed charge on 23rd December, 2021 and

subsequently fixed several dates for examination of the witnesses. However, till date no witness has been examined in the said case.

In a case instituted on Police report, it is the duty of the prosecution to produce the witnesses. This Court firmly believe that the learned Special Public Prosecutor is not taking serious step for production of the witnesses and, therefore, the Trial Judge could not examine the witnesses.

In view of such circumstances, the instant revision is disposed of directing the Trial Judge to fix a schedule of examination of 10 charge-sheeted witnesses and direct specifically the prosecution authority to produce the witnesses on the next date fixed. Witness action shall be concluded within six months from the date of communication of this order.

The learned Magistrate is at liberty to communicate this order obtaining server copy of the same.

The application is, thus, disposed of.

(Bibek Chaudhuri, J.)

Srimanta, A.R.(Ct.)
Item No. 99.