

Form J(1)

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

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

CRR 3232 of 2022

**Ajijul Islam
Vs.
State of West Bengal**

For the petitioner : Mr. Dipayan Kundu, Adv.,

For the State : Mrs. Baisali Basu, Adv.

Judgement on : 06.01.2023.

Bibek Chaudhuri, J.

This is an application for a direction upon the Trial Court for expeditious disposal of a case bearing no. N-201/2020 under Section 21(C) of the NDPS Act pending before the learned Special Judge (NDPS) and the learned Sessions Judge, 6th Court at Barasat.

It is submitted by the learned Advocate for the petitioner that the petitioner was arrested on 25th September, 2020 on the allegation that he was in possession of narcotic substance above commercial quantity. After arrest the Police took up the case for investigation. On completion of investigation charge-sheet was filed on 25th September, 2021 and supplementary charge-sheet along with chemical examiners report was filed on 15th November, 2021. The Trial Court framed charge against the accused on 25th March, 2022.

Thereafter several dates were fixed for recording evidence of the witnesses on behalf of the prosecution.

There are eight charge-sheeted witnesses who are to be examined in the instant case.

Having heard the learned Advocate for the petitioner and considering the allegation made on behalf of the petitioner, this Court is of the view that the instant revision can be disposed of here and now with the assistance of the learned Public Prosecutor-in-Charge.

Therefore, Mrs. Baisali Basu, learned Advocate on behalf of the State is appointed to assist the Court for the State of West Bengal. I have heard the learned Advocate for the petitioner and the learned Public Prosecutor-in-Charge.

It is unfortunate to note that a person is under custody since 2020 and the custodial trial is being delayed in such a fashion as depicted in the instant revisional application. The Trial Court should take some proactive action for examination of the witnesses. Moreover, it is expected that the Trial Court is having the knowledge of Notification No. 4860 dated 6th December, 2006 wherein this Court directed the Trial Court to dispose of the NDPS cases within nine months from the date of framing of charge.

Under such circumstances, the instant revision is disposed of directing the learned Trial Judge to fix a specific schedule containing four days for examination of eight witnesses. He shall issue summons and direct the learned Special Public Prosecutor to produce the witnesses positively on the next date fixed. The witness action shall be concluded within three months from the date of this order. Thereafter the Learned Trial Judge shall come to the logical conclusion of the case within one month.

The petitioner is at liberty to inform the order of this Court to the learned Trial Judge for strict compliance obtaining server copy of the order.

The instant revision is, thus, disposed of.

(Bibek Chaudhuri, J.)

Srimanta, A.R.(Ct.)
Item No. 12.