

D/L28
25.08.2023
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C.R.R.3116 of 2023

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

Abdul Rahaman Gazi

Versus

The State of West Bengal and another

Mr. S.S. Roy

Mr. Biswapriya Samanta

Mr. Amarendra Chakraborty.

...for the petitioner.

Mr. Roy, learned advocate appearing for the petitioner is aggrieved by the fact that although the case No.C-1315 of 2016 was initiated on 27th June, 2016 when the learned Magistrate took cognizance of the offence but after 7 years also there has been no progress in the case as the next date has been fixed for examination of the accused under Section 251 of the Code of Criminal Procedure which is on 30th November, 2023.

Having regard to the plight expressed by the petitioner, I am of the opinion that the same is justified. The accused has been successful in designing the delay of the trial for the last 7 years. Learned Magistrate, as such, is directed to complete the process of examination under Section 251 of the Cr.P.C. on 30th November, 2023 or within a fortnight thereafter. On and from the month of January, 2024, the learned Magistrate would fix one date in every 10 days so that the trial of the case is concluded within a reasonable period of time. No unnecessary adjournment should be granted to either of the parties and the learned Magistrate will insist on early completion of cross-examination of the prosecution

witnesses.

With the aforesaid observations, CRR 3116 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.)