

Form J(1)

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

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

CRR 3456 of 2022

**Jamir Ali Mondal
Vs.
State of West Bengal**

For the petitioner : Mr. Angshuman Chakraborty, Adv.

For the State : Mr. Neguive Ahmed, Adv.

Judgement on : 16.01.2023.

Bibek Chaudhuri, J.

The accused/petitioner has filed the instant application praying for a direction of expeditious disposal of Case No. N-238/2020 arising out of Baduria Police Station Case No. 679/2020 dated 22nd November, 2020 under Section 21(C) of the NDPS Act presently pending before the learned Additional Sessions Judge, 6th Court at Barasat.

It is submitted on behalf of the petitioner that he was arrested on 22nd November, 2020. Police submitted charge-sheet against the accused on 31st December, 2020. On 24th March, 2022 supplementary charge-sheet was submitted. There are in all 9 witnesses to be examined by the prosecution. On 13th May, 2022 charge under Section 21(C) of the NDPS Act was framed against the

accused and on 1st August, 2022 only one witness from the charge-sheet was examined. Subsequently, no witness was examined by the prosecution.

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 9 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.