

12.09.2023
Item No.46
gd/ssd

CRR/3507/2022
KUDDUS MONDAL
VS
STATE OF WEST BENGAL

Mr. Tapodip Gupta
..for the Petitioner

Mr. Imran Ali,
Ms. Debjani Sahu
..for the State

Petitioner is directed to serve a copy of the revisional application upon Ms. Debjani Sahu, learned advocate, who ordinarily appears on behalf of the State.

Her appearance may be regularized by the concerned authority.

Learned advocate appearing for the petitioner submits that the petitioner is in custody since 2nd of February, 2022 and the investigating agency after completion of investigation has submitted charge-sheet.

Learned Special Court has also framed charges on 25th April, 2023. The prosecution in order to prove its case has relied upon ten witnesses and till date none of the witnesses have been examined.

The petitioner is in custody for more than one year seven months and as such I am of the view that the agony so expressed by the petitioner is justified. In special cases, henceforth I direct the learned trial court to follow the sketch provided in the case of Kerala v.

Rashid reported in (2019) 13 SCC 297 that at the commencement of the trial a calendar must be fixed regarding the date of examination of the witnesses to be examined.

In case any of the witnesses is absent, the learned trial court would immediately communicate with the Superintendent of Police of the concerned district, who is in-charge of maintaining a register for progress of the NDPS cases. The Superintendent of Police will ensure regarding the presence of the witnesses concerned.

The Public Prosecutor conducting the case should produce the materials, documents and exhibits on the date fixed for examination of the witness concerned. All stakeholders would cooperate with the learned trial court so that at the earliest the trial is concluded.

With the aforesaid observations, CRR 3507 of 2022 is disposed of.

Pending applications, if any, are hereby disposed of.

All the parties shall act on the server copy of this order duly downloaded from the official website of this court.

(Tirthankar Ghosh, J.)

