

13.09.2023

Item No.49

ss

C.R.R. 3393 of 2023

**In Re: An application under Section 482 read with Section 401
of the Code of Criminal Procedure, 1973**

Mohibul Sk.

Vs.

The State of West Bengal

Mr. Manas Kr. Das

Ms. Shabana Hasin

Mr. Mobaidur Hossain

... for the petitioner

Mr. Arijit Ganguly

Mr. Sanjib Kr. Dan

... for the State

Learned Advocate appearing for the petitioner is directed to serve copy of this revisional application upon Mr. Arijit Ganguly, learned Advocate, who ordinarily appears for the State. His appointment may be regularised by the concerned authorities.

Mr. Das, learned Advocate appearing on behalf of the petitioner submits that the petitioner is in custody since 17th April, 2022 and although charge has been framed by the learned Special Court, but till date, none of the witnesses has been examined. Learned Advocate for the petitioner submits that 15 witnesses have been relied upon by the prosecution in the charge-sheet out of which 8 witnesses have been examined from the Government department.

Having considered that the petitioner is in custody for almost 17 months, I am of the opinion that the anxiety of the petitioner is justified.

Accordingly, the learned Special Court is directed to fix a schedule consisting of 3 dates and fix the schedule once in every two months so that trial of the case can be taken to its logical conclusion within a reasonable period of time.

In case any witness is absent on the date so fixed, the learned special court would communicate with the Superintendent of Police of the concerned district for ensuring the presence of the witnesses.

Learned Public Prosecutor conducting the case would ensure regarding the production of materials, documents and exhibits on the dates so fixed for examination of the witnesses.

All stakeholders would cooperate with the learned trial court to conclude the trial at the earliest.

With the aforesaid observations, the revisional application being CRR 3393 of 2023 is disposed of.

Pending connected 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 photostast certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)