

13.09.2023

Item No.57

ss

C.R.R. 3401 of 2023

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

Md. Ilias Hussain alias Md. Eleyas alias Iliyes

Vs.

The State of West Bengal

Mr. Angshuman Chakraborty

Mr. S.S. Saha

... for the petitioner

Mr. Tanmoy Kumar Ghosh

Ms. Sujata Das

... for the State

Learned Advocate appearing for the petitioner is directed to serve copy of this revisional application upon Ms. Sujata Das, learned Advocate who ordinarily appears for the State. Her appointment may be regularised by the concerned authorities.

Learned Advocate appearing on behalf of the petitioner submits that the petitioner is in custody since 17th May, 2022. The learned Trial Court has already framed charges and out of 8 witnesses one witness has been examined by the learned Trial Court. The present proceeding reflects that the trial of the case is progressing smoothly and there are sincere efforts on the part of the learned Special Court. However, the frustration expressed by the petitioner is that he is in custody and on the last four occasions no witness appeared before the learned Trial Court. In view of the anxiety expressed, the learned Special Court is directed to communicate with the Superintendent of Police of the

concerned district for ensuring the presence of the witnesses on the dates so fixed. In case there are difficulties advanced prayer must be made from the office of the Superintendent of Police for seeking accommodation. No unnecessary adjournment may be granted to either of the parties. The spirit with which the trial is progressing and the dates and schedule which are fixed by the learned Special Court is in adherence to the spirit of Article 21 of the Constitution as such no direction on that aspect is passed by this Court.

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 3401 of 2023 is disposed of.

Pending connected application, if any, is consequently disposed of.

All concerned 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 with all requisite formalities.

(Tirthankar Ghosh, J.)