

14.09.2023

SL. 20
Court No. 34
Sourav/
Suvayan

C.R.R. 3722 of 2022

In re: An application Under Section 482 read with Section 401 of the Code of Criminal Procedure, 1973.

In the matter of: **Mamayun Ali**

Mr. Bikash Ranjan Bhattacharyya, Sr. Adv.
Mr. Jamiruddin Khan
Ms. Sayanti Sengupta

...for the petitioner.

Mr. Arijit Ganguly
Mr. Koushik Kundu

... for the State.

Petitioner is directed to serve a copy of the revisional application upon Mr. Arijit Ganguly, learned advocate who ordinarily appears on behalf of the State, his appearance may be regularized by the concerned authorities.

Mr. Bhattacharyya, learned Senior Advocate appearing for the petitioner submits that the petitioner has been successful in getting an employment but is unable to join the same because of the pendency of the present criminal case. He further submits that the records of the case are not traceable as he has been informed.

I find that Lalgola Police Station Case No. 191 of 2020 was registered on 02.05.2020 before the jurisdictional court which is the learned Additional Chief Judicial Magistrate, Lalbagh, Murshidabad. As the records cannot be traced, there is no issue regarding progress of the proceedings whether it is consideration of charges or the trial.

In view of such situation, the District and Sessions Judge, Murshidabad is directed that if the records are not traceable within a week, he would take steps for reconstruction of the records of the case and ensure that the stage of charges are overcome by November 30, 2023. Thereafter, the learned Trial Court having regard to the peculiar circumstances of the present case would fix at least a schedule consisting of three dates and fix a schedule once in a month so that the trial of the case can be concluded within a reasonable period of time.

The learned Trial Court would fix a calendar as has been stated and guidelines given in ***State of Kerala Vs. Rasheed*** reported in **(2019) 13 SCC 279** and, thereafter, proceed with the case. The learned Trial Court would seek assistance of the Superintendent of Police of the concerned district, in case his assistance is required for ensuring the availability of the witnesses on the date so fixed. All stakeholders would cooperate with the learned Trial Court to maintain the schedule as directed above so that the examination of the witnesses and the trial can be concluded at the earliest.

With the aforesaid observations, the present revisional application being **CRR 3722 of 2022** is disposed of.

Pending applications, if any, are disposed of.

Learned Registrar (Judicial Service), High Court at Calcutta is directed to communicate this order to the learned District and Sessions Judge, Murshidabad.

All concerned parties are to act in terms of a copy of this order duly downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)

