

Form J(1)

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

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

CRR 3980 of 2022

**Suman Patra
Vs.
State of West Bengal & Anr.**

For the petitioner : petitioner in person.

For the State : Mr. Aniket Mitra.

Judgement on : 25.04.2023.

Bibek Chaudhuri, J.

It is the grievance of the petitioner who is an accused in GR Case No. 65/2017 under the charge of Sections 498A/406/386/354B/325 of the Indian Penal Code that in spite of repeated directions by this Court in different proceedings directing the Trial Court for expeditious disposal, the learned Magistrate has failed to take effective and proactive step for expeditious disposal of the above-mentioned case.

The petitioner moves the instant revision in person. Considering the averment made in the instant revision and having heard the learned Advocate for the petitioner, this Court is of the view that the instant revision can be disposed of here and now with the assistance of the learned Public Prosecutor-in-Charge.

Therefore, Mr. Aniket Mitra, learned Advocate is appointed as the Advocate on behalf of the State of West Bengal to assist this Court. Appointment of Mr. Mitra be regularized by the learned Legal Remembrancer, Government of West Bengal.

It is ascertained from the submission made by the petitioner himself that the above-mentioned case was instituted in the year 2017. The Trial Court framed charge against the petitioner and other accused persons on 13th December, 2017 and trial of the case was commenced. During the last six years, the learned Magistrate could be able to examine only P.W. 1. Five more charge-sheeted witnesses are to be examined. If six years is elapsed for examination of P.W. 1 this Court fails to comprehend when the trial of the case will be concluded.

It is also found from the records that the petitioner approached this Court with the similar prayer by filing revisional applications in CRR No. 2993/2019. The Hon'ble Jay Sengupta, J. vide order dated 28th February, 2020 directed the Trial Court to conclude the proceedings as expeditiously as possible without granting any unnecessary adjournment to any of the parties. The said direction did not yield any result. The petitioner further filed CRR/953/2021 before this Court and the Hon'ble Tirthankar Ghosh, J. vide order dated 16th June, 2022 disposed of the said revision directing the learned Magistrate that no unnecessary adjournment should be granted to either of the parties and the Public Prosecutor conducting the case should take step so that the witnesses do appear on the date so fixed. After such direction nearly one year has elapsed. The record does not show any proactive and effective step on the part of the learned

Magistrate as well as the learned Additional Public Prosecutor attached to the said Court for production of witnesses.

In view of such circumstances, the instant revision is disposed of directing the learned Magistrate to instruct the Additional Public Prosecutor attached to this Court to cause service of summons to the witnesses on the date fixed and examine all the witnesses within three months from the date of communication of this order.

The instant revision is, thus, disposed of.

Parties are directed to act on the server copy of the order.

(Bibek Chaudhuri, J.)

**Srimanta, A.R.(Ct.)
Item No. 11.**