

CRR 3884 of 2023

In Re: An application under Section 482 of the Code of Criminal Procedure, 1973 in connection with Dankuni P.S. Case No. 273/2021 dated 26.08.2021 under Section 21(c) of the NDPS Act, 1985. NDPS No. 32 of 2021.

In the matter of : Mukhtar Khan @ Guddu Khan
...petitioner.

Mr. Arunava Ganguli, Adv.
...for the petitioner.

Mr. Madhusudan Sur, Ld. APP,
Mr. Manoranjan Mahata, Adv.
...for the State.

Pursuant to the direction dated October 17, 2023, Mr. Madhusudan Sur, learned Additional Public Prosecutor, appears on behalf of the State.

The petitioner submits that he is in custody since 26th of August, 2021. Charge-sheet has already been submitted, charges have been framed. However, in spite of repeated dates being fixed for trial and examination of witnesses, till date none of the witnesses have been examined and the last of the order-sheet reflects that date was fixed for presence of C.S.W. 1, 2 and 3 in the month of October, 2023.

Having regard to the fact that the petitioner is in custody for more than two years, the anxiety so expressed is justified. *Prima facie* it reflects that the delay was caused due to absence of the witnesses or the presiding officer was on leave. Having regard to the same, I direct that on and from the next date so fixed, the learned Trial Court as usual will fix the schedule consisting of three dates and fix such schedule once in every

month so that trial of the case may be concluded within a reasonable period of time. It has been informed that there are ten witnesses in respect of the prosecution case. The presence of the witnesses are to be ensured on the dates so fixed. If required, the learned Trial Court would issue notice to the Superintendent of Police of the concerned District. In case any of the witness does not appear and is not traceable, the Superintendent of Police will submit a report before the Court to that effect.

No unnecessary adjournment be granted to either of the parties. 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 co-operate with the learned Trial Court so that trial of the case can be taken to its conclusion at the earliest.

With the aforesaid observations, the revisional application being CRR 3884 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.)