

13-07-2023
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Item no. 05
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR 4114 of 2022

Rabiul Molla @ Rabual Molla
-versus-
The State of West Bengal

Mr. Mazhar Hossain Chowdhury
Mrs. Mobashishara Alam
....for the petitioner.

Mr. S. G. Mukherji, Id. PP
Mr. Md. Anwar Hossain
Mrs. Manisha Sharma
...for the State.

In CRR 4114 of 2022, the order of a different revisional application was transcribed. The said order dated 05.07.2023 is accordingly recalled.

The following order which was transcribed in the other revisional application being CRR 4142 of 2022 would be considered to be the order in this case and the same is as follows:-

Petitioner is directed to serve a copy of the revisional application upon Mrs. Manisha Sharma, learned advocate who ordinarily appears on behalf of the State. Her appointment may be regularized by the concerned Authorities in due course.

Learned advocate appearing for the petitioner submits that the petitioner is in custody since 4th March, 2021. Learned advocate for the petitioner submits that the Investigating Agency on conclusion of investigation submitted chargesheet and supplementary chargesheet in the year 2022. Charge was framed

by the learned trial court on 30th April, 2022. Till date, according to the learned advocate for the petitioner, only three witnesses have been examined out of the 12 charge-sheeted witnesses cited by the prosecution.

Petitioner is in custody since 4th March, 2021 i.e., for more than 27 months and majority of the witnesses are yet to be examined. The anxiety expressed by the petitioner as such is justified. Accordingly, the learned trial court is directed not to grant any unnecessary adjournments to either of the parties and proceed with the trial so that the trial of the case may be concluded within a reasonable period of time. The Public Prosecutor appearing in the case would produce the materials, documents and exhibits on the dates fixed for examination of the witnesses concerned. The learned trial court would in the circumstances fix the regular course of trial in similar manner. If required, the learned trial court in respect of absent of witnesses belonging to Government Department would communicate with the Superintendent of Police of the District or the Commissioner of Police who is in charge of police station conducting the investigation to ensure regarding the presence of such witnesses on the dates so fixed by the learned trial court. All efforts be taken by the stake-holders to complete the trial at the earliest.

With the aforesaid observations, the present revisional application being CRR 4114 of 2022 is disposed of.

Pending applications, if any, are consequently disposed of.

This order may be treated as part and parcel of the original

dated 5.07.2023.

Department is directed to incorporate the necessary corrections.

Learned Magistrate is directed to act on the server copy duly downloaded from the official website of this Court.

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

Urgent Photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

[Tirthankar Ghosh, J]