

IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION
APPELLATE SIDE

The Hon'ble **JUSTICE BIBEK CHAUDHURI**

CRR 4119 of 2022

Milan Miah

-Vs-

The State of West Bengal

For the petitioner: Mr. Avijit Chakraborty, Adv
 Mr. Sankha Subhra Dutta

For the State: Mr. Koushik Kundu, Adv.,

Heard on: 15th March, 2023.

Judgment on: 15th March, 2023.

BIBEK CHAUDHURI, J. : –

1. This is an application for expeditious disposal of N case no. 56 of 2021 filed by the petitioner/accused person in custody arising out of Basirhat Police Station Case no. 265 of 2021 dated 13th April, 2021 under Section 21(C) of the Narcotics Drugs and Psychotropic Substances Act, 1984 and Section 14 of the Foreigners Act, 1946 presently pending before the Learned Session Judge, 6th Court, Barasat.

2. On perusal of the instant application and the materials on record, this court is of the view that the instant application can be disposed of with the assistance of the learned public prosecutor-in-charge on behalf

of the State. Therefore Mr. Koushik Kundu learned advocate is requested to assist this court on behalf of the state. Appointment of Mr. Koushik Kundu be regularized by the learned Legal Remembrancer, Government of West Bengal.

3. It is submitted by the learned advocate for the petitioner that the petitioner was arrested on 13th April, 2021 and since then, he is in custody. After completion of investigation Chargesheet was submitted on 11th May, 2021 and supplementary chargesheet with chemical report on 25th February, 2022. Thereafter, charge was framed on 2nd April, 2022 under Section 21(C) of the NDPS Act and Section 14 of the Foreigners Act, 1946 proposing 5 witnesses to be examined and fixing 30th June, 2022 for evidence. The next date was fixed for evidence on 28th September, 2022 and not a single witness has been examined till date.

4. It is further submitted by the learned Advocate for the petitioner that the prosecution is not at all serious for speedy disposal of the case. Therefore, necessary direction may be issued upon the court below for expeditious disposal.

5. It is needless to say that in respect of “Case Flow Management”, the High Court has issued a notification bearing No.4680 G dated 6th December, 2006. In the said notification NDPS case is listed as Track 1 case and trial court is directed to dispose of NDPS case within nine months from the date of submission of charge-sheet. The learned trial judge failed to take recourse of speedy disposal of the case and thereby violated the High Court notification No.4680 G dated 6th December, 2006.

6. In view of such circumstances, the trial court is directed to positively conclude examination of witnesses within six months from the date of communication of this order and deliver judgment within one month thereafter.

7. The instant criminal revision is thus disposed of with the above direction

(Bibek Chaudhuri, J.)