

06.12.2023

Sl. No.: 5

Court No.30

BM

CRR 4109 of 2023

Ajay Kumar

Vs.

Central Bureau of Investigation

Mr. Milon Mukherjee, Sr. Adv.

Mr. Biswajit Manna

... for the petitioner

Mr. Amajit De, Special PP

Mr. Aparna Banerjee

... for the CBI

The present revisional application has been preferred praying for expeditious disposal of the proceeding in Session Case No.103/2008(Sessions Trial No.2(April) 2011), pending before the court of the learned Additional Sessions Judge, Bench II, Bichar Bhaban, Calcutta, which arose out of R.C Case No.18(S)/2007-SCU.1/CBI/SCR-1.

Learned counsel for the petitioner has submitted that the present case relates back to an unfortunate incident in the year 2007.

The case was sent up for trial in the year 2008.

Learned counsel for the CBI present in court submits that unfortunately only one witness out of 184 witnesses have been totally examined in the last 15 years.

Vide an order dated 17.10.2023 as taken from CIS, it appears that the Judge, Bench-II, City Sessions Court, has fixed the next date of hearing on 09.02.2024 which prima facie shows that the court is also not making any endeavour to proceed with the case expeditiously in spite of the said case pending for last 15 years.

A copy of the Aadhar card in respect of the petitioner has been placed before this court duly attested by the learned Advocate on Record from wherein it appears that the petitioner's date of birth is 27.08.1966 and as such, he is nearing his retirement.

From the materials on record, it is clearly apparent that the total proceeding is not being taken seriously by the prosecution and nor the court.

In spite of said proceeding being very sensitive in nature no effort is being put in by the court and nor the prosecution to come to a logical end in the present case. The reason for delaying proceeding endlessly for last 15 years wherein only one witness has been examined in full out of 784 witnesses. This court has no other option but to presume that there is clear abuse of process of law/court.

Accordingly, it is directed that the trial court shall proceed with the trial on day to day basis starting from 8th January, 2024 and shall not grant unnecessary adjournment to either parties.

The trial Judge shall make all endeavour to conclude Sessions Trial finally by December, 2024.

Let a copy of this order be sent through the Registrar General, High Court to the learned Chief Judge, City Sessions Court who shall personally supervise the progress in the present case and take necessary steps in accordance with law to comply with the direction of this court.

The Criminal Revision being CRR 4109 of 2023 is accordingly disposed of.

All connected applications stand disposed of.

Copy of this judgment be sent to the learned Trial Court forthwith for necessary compliance.

Urgent certified website copy of this judgment, if applied for, be supplied expeditiously after complying with all, necessary legal formalities.

(Shampa Dutt (Paul), J.)