

**11.12.2023**  
**Serial no. 261**  
[G.S.D]

## **CRR 4559 of 2023**

**In the matter of : Debaditya Ghosh & Anr.**

... .. Petitioners

Mr. Amitabha Ghosh  
Ms. Nabanita Chatterjee

*... For the petitioners*

Ms. Manisha Sharma

... for the State

The petitioner is directed to serve upon Ms. Manisha Sharma, Id. Advocate, who ordinarily appears on behalf of the State. Her appearance may be regularized by the concerned authority.

Ld. advocate for the petitioners submits that the case was instituted in the year 2019 and subsequently after conclusion of investigation charge-sheet has been submitted and charge has already been framed by the Ld. JM, 5<sup>th</sup> Court, Burdwan. But, till date, none of the witnesses, so relied upon by the prosecution, have been examined. The petitioner has been falsely implicated in the instant case.

According to the Id. advocate for the petitioner, witnesses are not appearing before the court purposely to delay the trial.

The Id. JM, 5<sup>th</sup> Court, Paschim Bardhaman at Asansol is directed, henceforth, in connection with Asansol Women P.S. Case No. 86 of 2019 dated 19.8.2019, summons be served through the inspector in charge/officer in charge of Asansol Women P.S. The concerned officer will send a report as to whether the witnesses have been informed regarding the date fixed for their evidence. The Id. trial court would give three opportunities to each of the witnesses concerned. If any witness do not appear, in that case, the Id. trial court would, if required, exercise in its own discretion, as to whether to continue with such witness or not in connection with the instant case. However, there must be a documentary assurance before the Id trial court that the witnesses have been served for appearance on the particular date concerned. All efforts be taken so that the trial can be concluded at the earliest.

Having regard to the time period, which has elapsed for more than four years, at least one date be fixed once in a month so that the trial of the case can be taken to its logical conclusion. Id. Public Prosecutor conducting the case would produce documents, materials and exhibits on the date so fixed for examination of the witnesses. All stakeholders would cooperate with the trial court to conclude the trial at the earliest.

With the aforesaid observations, CRR 4559 of 2023 is disposed of.

Pending application, if any, is also disposed.

Parties to act on a server copy of this order, duly collected from the official website of the Hon'ble High Court, Calcutta.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties, subject to compliance with all requisite formalities.

**(Tirthankar Ghosh, J.)**