

21.04.2023.  
Court No.13  
Item No.403  
ap

**W.P.A. No. 7350 of 2020**  
**With**  
**I.A. No. CAN 2 of 2023**

**Sri Nepal Das**  
**Versus**  
**Union of India & Ors.**

Mr. Rajeev Lochan, Sr. Advocate,  
Mr. Debasish Kar,  
Mr. Dhiman Biswas.

...For the petitioner.

Mr. Amitesh Banerjee, Sr. Standing Counsel,  
Ms. Ipsita Banerjee.

...For the State.

Mr. Arun Kumar Maiti,  
Ms. Sunita Sarkar.

...For the respondent nos.1 & 3.

**Re: CAN 2 of 2023 (Restoration)**

Sufficient grounds are available to explain the absence of the petitioner and/or his Counsel on 15<sup>th</sup> March, 2023 before this Court.

The said order is recalled and the writ petition is restored to its file and number.

Accordingly, CAN 2 of 2023 is disposed of.

There will be, however, no order as to costs.

**Re: W.P.A. No. 7350 of 2020**

The petitioner seeks quashing of Entally Police Station Case No. 366 of 2019 dated 27<sup>th</sup> November, 2019 and Entally Police Station Case No. 387 of 2019 dated 15<sup>th</sup> December, 2019 and Tangra Police Station Case No. 238 of 2019 dated 27<sup>th</sup> November, 2019. Charge-sheets have been filed in the aforesaid complaints. After completion of investigation, trial has

commenced in respect of N.D.P.S. Case No. 101 of 2019. The trial has gone ahead substantially.

Hence the question of any transfer of investigation or quashing of charge-sheet at this stage therefore does not and cannot arise.

However, the petitioner claims that he has applied in the Court below for production of the hard disk of the CCTV footage of his son's house on 22<sup>nd</sup> November, 2017 and the footage of the Entally Police Station on 27<sup>th</sup> November, 2019. He also wants the DVR of the Sealdah Court where he was leaving after meeting the Lawyer on 27<sup>th</sup> November, 2019. He has applied in the Court below to this effect.

The sum and substance of the petitioner's defence is that the proceedings have been foisted on the petitioner as a counter blast to his complaint against the private respondents, one of whom is a local Councilor.

The learned Judge, Special Court under N.D.P.S. Act, 1985-cum-Additional Sessions Judge, 4<sup>th</sup> Court, Alipore, South 24 Parganas shall immediately deal with and dispose of the petitioner's applications.

All available defence to the petitioner shall be facilitated by the Court below. The learned Judge, Special Court under N.D.P.S. Act, 1985-cum-Additional Sessions Judge, 4<sup>th</sup> Court, Alipore, South 24 Parganas, if necessary, shall exercise power under Section 311 of the Code of Criminal Procedure.

The trial must be expedited. The learned Judge, Special Court under N.D.P.S. Act, 1985-cum-Additional Sessions Judge, 4<sup>th</sup> Court, Alipore, South 24 Parganas shall try to dispose of the trial as expeditiously as possible, preferably within a period of two months from date as already directed by a Division Bench of this Court.

With the aforesaid directions, the instant writ petition shall stand disposed of. All pending CAN application shall also stand disposed of.

There will be no order as to costs.

All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

***(Rajasekhar Mantha, J.)***