

06.02.2024
Serial no. 3
[G.S.D]

CRR 60 of 2024

In the matter of : Subir kumar Paul @ Subir Paul
... .. Petitioner

Mr. S. Lahiri
Mr. S. W. Faruque
Mr. J. Talukdar ... for the petitioner

Mr. Navanil De
... for the State

The petitioner along with thirteen others were implicated in connection with Shyampukur P.S. Case No. 235 dated 6.9.2010 under sections 147/148/149/332/353/324/427 of the IPC. The said case is presently pending before the Id. Metropolitan Magistrate, 15th Court, Calcutta.

The records reflect that the petitioner and another are appearing before the Id. trial court but in respect of rest of the accused persons, service return is awaited or the execution return is awaited.

It has been submitted that the addresses of the accused persons could not be traced. The Process Officer who is responsible for executing the S/R or E/R should find out the whereabouts of the absentee accused persons from the College concerned and submit its report within sixty days from the next date so fixed.

The Id. trial court will thereafter proceed to the harsher process of law and exhaust the process by adhering to sections 82 and 83 of the cr.p.c. in respect of the absentee accused persons and would spilt up the trial in respect of the petitioner and another accused persons, who are regularly attending the court.

As the present case is of the year 2010, the Id. Magistrate, if after consideration of the charges, is of the opinion that the trial should proceed, in that case, would fix a schedule consisting of three dates and fix such schedule once in every month so that the trial of the case can be taken to its logical conclusion within a reasonable period of time. No unnecessary adjournment be granted to either of the parties. Id. Public Prosecutor conducting the case would produce the materials, exhibits and documents on the date so fixed for examination of the witnesses concern.

In case, any of the witnesses is not present on three consecutive dates, in that case, the Id. trial court would close the evidence of such witnesses until and unless prosecution is able to show that the evidence of the witnesses is indispensable in the circumstances and for the ends of justice.

All stakeholders would cooperate with the Id. trial court to conclude the trial as early as possible.

With the aforesaid observations, CRR 60 of 2024 is disposed of.

Pending application, if any, is also disposed of.

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.)