

D/L5
20.02.2024
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C.R.R.181 of 2024
In Re: An application under Section 482 of the Code of Criminal
Procedure, 1973;

Buddhadeb Ghorai
Versus
The State of West Bengal and another

Mr. Mujibar Ali Naskar
Mr. Sandip Kumar Mondal.
...for the petitioner.
Ms. Z.N. Khan
Ms. Mayukhi Mitra.
...for the State.

Affidavit of service so filed by the petitioner be kept with
the record.

Petitioner has prayed for quashing of the proceedings but
subsequently restricted his submissions to expediting the progress
of the trial relating to Pathar Pratima Police Station Case No.33 of
2018 dated 07.02.2018. The grievance of the petitioner mainly is
that the dates are fixed by the learned trial court almost after six
months. To that effect, learned advocate appearing for the petitioner
drew the attention of the Court to the order dated 11.12.2023
wherein the learned ACJM, Kakdwip was pleased to fix the next
date as 07.06.2024 for evidence of CSW-1.

Report has been submitted by the State. Let the same be
kept with the record.

Report reflects that the prosecution in order to prove its
case has relied upon seven witnesses. Report also reflects that there
was a systematic delay due to Covid-19 pandemic, absence of
accused for which warrant of arrest was issued, resolution of the
local bar and the court without being any Presiding Officer.

Having considered the totality of the circumstances as also the fact that almost five years have passed since the initiation of the proceedings, I direct the learned ACJM, Kakdwip to fix at least one date in every 45 days so that the trial of the case can be taken to its logical conclusion within a reasonable period of time. In case any witness is not available, the learned trial court would seek assistance of the Inspector-in-Charge/Officer-in-Charge of Pathar Pratima Police Station for effecting service of summons and/or submitting report regarding the availability or the reluctance of the witnesses to appear before the court. No unnecessary adjournment be granted to either of the parties. Learned public prosecutor conducting the case would produce all the materials, documents and exhibits on the date so fixed for examination of the witnesses' concerned. All stakeholders would cooperate with the trial court to conclude the trial at the earliest.

With the aforesaid observations, CRR 181 of 2024 is disposed of.

Pending connected application, if any, is consequently disposed of.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

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

(Tirthankar Ghosh, J.)

