

19-02-2024
Subha
Item no.83
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR 531 of 2024

Sukumar Mandal and anr.
-versus-
The State of West Bengal

Mr. Tapodip Gupta
....for the petitioners.

Mr. Debasish Roy, Id PP
Ms. Sreyashee Biswas
...for the State.

Learned advocate appearing for the petitioners is aggrieved by the factum that the petitioners are in custody since 2022 and although the chargesheet was submitted and charge was framed by the learned special court but till date there has been no evidence being recorded and substantial progress on the merits of the case. It has been brought to the notice of this court that the schedule for examination of the witnesses have been fixed on and from 28th February, 2024 to 1st March, 2024.

Additionally, it has been submitted that there are 10 witnesses on whom the prosecution intends to rely in order to prove its case.

Having considered the factum that the petitioners are in custody for more than 2 years, I am of the view that the anxiety expressed by the petitioners are justified. Learned special court would take steps so that at least a schedule consisting of three dates are fixed on each and every 45 days so that the trial of the case can be taken to a logical conclusion within a reasonable period

of time. In case any witness is absent, direct communication should be made to the Superintendent of Police of the concerned District whose office would be responsible for ensuring the availability of witnesses. In case any witness is not available, the report should be communicated to the learned special court in respect of their whereabouts and the reasons for non-appearance.

The learned Public Prosecutor appearing in the case would produce the materials, documents and exhibits on the dates fixed for examination of the witnesses concerned. All efforts be taken by the stake-holders to conclude the trial at the earliest.

With the aforesaid observations, the revisional application being CRR 531 of 2024 is disposed of.

Pending applications, if any, are consequently disposed of.

All concerned parties are to act in terms of a copy of this order duly downloaded from the official website of this court.

[Tirthankar Ghosh, J]