

22.02.2024

Item No.79
Ct.No.34
dc.

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

C.R.R. 630 of 2024

In the matter of : **Arka Majumder**

... Petitioner.

Mr. Arun Kumar Maiti,
Mr. Saurav Mitra,
Ms. Benazir Kazi,
Mr. R. R. Mohanty,
Ms. Snigdha Ghosh,
Mr. Shivam Saha,
Ms. Sanchayita De ... For the Petitioner.

Mr. Arijit Ganguly,
Ms. Sujata Das ... For the State.

The petitioner is aggrieved by the fact that Bidhan Nagar (East) Police Station Case No. 38 of 2017 was registered on 02.04.2017 and till date after examination under Section 251 of the Code of Criminal Procedure, no witness has been examined.

It has been submitted by Mr. Maiti, learned advocate appearing for the petitioner that the prosecution has relied upon five witnesses to prove its case, but dates are being fixed at such a long stretch that there is no visibility on the issue as to when the trial of the case would conclude. The next date has been fixed on 24.07.2024.

The learned trial court would see to it that the date of trial for the purposes of this case be fixed at least once in every 45 days so that trial of the case can be taken to its logical conclusion within a reasonable period of time.

In case any witness is not present, steps be taken to intimate the Inspector-in-Charge, Bidhan Nagar (East) Police Station or any officer in the rank of Assistant

Commissioner/Deputy Commissioner of Police in-charge of Bidhan Nagar (East) Police Station who would ensure regarding the presence of the witness or submit a report for non-availability of the witness on the date so concerned.

Learned trial court would in the fitness of circumstances grant three opportunities for the purposes of each of the witnesses to be examined and thereafter exercise his discretion whether to recall such witness or not.

With the aforesaid observations, the revisional application being CRR 630 of 2024 is disposed of.

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

All concerned 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 with all requisite formalities.

(Tirthankar Ghosh, J.)