

D/L17
12.04.2024
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C.R.R.822 of 2024

In Re: An application under Section 483 of the Code of Criminal Procedure, 1973;

Nur Mohammad alias Nur Ahammed Fakir
Versus
The State of West Bengal and others

Mr. Satyajit Mandal
Mr. Suranjan Mandal.
...for the petitioner.

Mr. Debasish Roy, Ld.P.P.
Mr. Arijit Ganguly
Mrs. Rita Dutta.
...for the State.

Report submitted by SDPO, Diamond Harbour be kept with the record.

Report reflects that out of seven accused persons, 6 accused persons are available as one of the accused has expired. On other hand, out of 9 witnesses so cited by the prosecution, 8 witnesses are available. It has also been pointed out that the next date is fixed on 30th April, 2024 for framing of charge.

Having regard to the fact that almost 12 years have passed in the meantime, learned Judicial Magistrate, 2nd Court, Diamond Harbour, South 24 Parganas will overcome the stage of consideration of charges on the next date so fixed. The SDPO, Diamond Harbour will serve a notice upon all the accused persons so that they are available on 30th April, 2024 before the jurisdictional court. In case the accused persons are not available, the learned Magistrate will be at liberty to resort to harsher process

of law. If after consideration of charges, the learned Magistrate is of the opinion that the trial of the case is to be progressed, in that case, the learned trial court will fix three dates in a 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 any of the parties. The trial of the case would continue in spite of any resolution of local bar and the participating advocates will not in any manner stall the proceedings because of such resolution. In case any witness is not available, the learned trial court would immediately issue notice upon the Superintendent of Police of the concerned district who would ensure regarding the availability of the witnesses' concerned or submit a report before the court for non-availability of such witnesses' concerned. It would be the exclusive discretion of the learned trial court either to accept such report so far as the absence of the witnesses' concerned on the basis of the grounds stated therein. 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 822 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.)