

19-04-2024
Subha
Item no. 40
42
Ct no.34

*IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction*

CRR 1129 of 2024

Dr. Jaydip Basu and anr.

-versus-

State of West Bengal & Ors.

With

CRR 1134 of 2024

Dr. Jaydip Basu and anr.

-versus-

State of West Bengal & Ors.

Mr. Arka Pratim Chowdhury

....for the petitioners.

Mr. Subhabrata Chowdhury

..for the private opposite party nos. 2 & 3.

Mr. Debasish Roy, Id PP

Mr. Arijit Ganguly

Ms. Sreemoyi Roy

...for the State.

Record of the revisional application reflects that earlier CRR 4551 of 2022 was disposed of by a co-ordinate Bench directing the trial court to proceed with the case as expeditiously as possible.

Learned advocate for the petitioners submits that the documents in connection with the instant case are not available and the trial of the case is not progressing. As such repeatedly the learned trial court has been taking steps against the police authorities.

Report submitted by the State reflects that on the previous occasion the Presiding Officer of the court was on leave and as such the matter was adjourned and the next date is fixed on 04-05-2024 for examination of the witnesses.

The present case is of the year 2012, more than eleven and half years have passed since the initiation of the case and record reflects that till date the examination of the first witness is continuing.

Having considered the pace at which the proceeding are progressing, I direct the Deputy Commissioner of Police in charge of Baguiati Police Station to act as Nodal Officer of the case and would ensure regarding the availability of the witnesses and the documents on the dates so fixed before the learned trial court.

No unnecessary adjournments should be granted to either of the parties and all efforts be taken so that the learned trial court fixes a schedule of three dates and fix such a schedule once in every twenty days so that there is a progress in the trial of the case.

So far as the documents which are in custody of the petitioners are concerned, the petitioners would be entitled to confront the prosecution witnesses with the said documents and/or in the alternative produce or rely upon the same at the stage of defence witness. All efforts be taken so that the prosecution witnesses are concluded within a year from the date of the communication of this order.

The Public Prosecutor appearing in the case would produce the materials, documents and exhibits on the dates fixed for examination of the witnesses concerned.

It is directed that the trial of the case would continue in spite of the resolution of the local bar and the learned participating/representing advocate will not stall the proceedings

because of any such resolution.

All efforts be taken by the stake-holders to conclude the trial at the earliest.

With the aforesaid observations, the present revisional applications being CRR 1129 of 2024 and CRR 1134 of 2024 are disposed of.

Pending applications, if any, are consequently disposed of.

Report so submitted by the learned advocate for the State be kept with the record.

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]