

25.04.2024
Serial no. 4
[G.S.D]

CRR 1427 of 2024

In the matter of : Sanatan Das

... .. Petitioners

Mr. Debasis Kar
Mr. Arka Tilak Bhadra

... for the petitioner

Mr. Binoy Kr. Panda
Ms. Purnima Ghosh

... for the State

Ld. Advocate for the petitioner is aggrieved by the fact that the present case being Belghoria P.S. Case No. 46 of 2019 is pending before the Id. JM, 5th Court, Barrackpore for a considerable period of time. Although, charges have been framed, but, till date, none of the witnesses have been examined.

The records of the case reflect that on 22.12.2023 date has been fixed on 12th of July, 2024 for evidence of CSW1.

Having considered that more than five years have passed since the registration of the FIR and charges have already been framed, I am of the view that the Id. Magistrate would ensure as to whether summons are being served properly upon the witnesses. The Id. Magistrate, to that extent, if is dissatisfied, will direct the inspector in charge of Belghoria P.S. to effect service upon the witnesses

who have been cited by the prosecution in support of its case.

The inspector in charge of Belghoria P.S. will ensure regarding the availability of the witnesses or, in the alternative, submit a report before the court regarding the reasons for non-availability.

It is directed that, in case, the report itself seems to be questionable, in that case, the Id. JM would direct the superior officer or the inspector in charge of Belghoria P.S. to assess the genuinity or the correctness as to whether any summon has been issued to find out the witness.

The Id. Magistrate is further directed to fix dates in such a manner so that once a witness appears in court, the examination of the said witness would continue on consecutive dates and after the examination in chief and the cross examination is over, the witness should be released.

The Id. Advocate appearing for the petitioner submits that there is no application under section 231(2) of the cr.p.c. and the accused is ready to be cross-examined immediately after the examination in chief is over. As such, all efforts be taken to conclude the trial at the earliest and the Id. Magistrate would preferably fix one date in every 75 days so that the trial of the case can be taken to its logical conclusion within a reasonable period of time.

It is further directed that the trial of the present case would continue in spite of any resolution of the local Bar and the participating advocates will not stall the proceedings because of such resolution. All stakeholders will cooperate with the Id. Trial court for concluding the trial at the earliest.

With the aforesaid observations, CRR 1427 of 2024 is disposed of.

Pending application, if any, is also disposed of.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court, Calcutta.

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

(Tirthankar Ghosh, J.)