

06.05.2024
Serial no. 2
[G.S.D]

CRR 1489 of 2024

In the matter of : Prabir Kumar Sen & Ors.

... .. Petitioners

Mr. Samim Ahammed
Ms. Ambiya Khatun

... for the petitioners

Mr. Arijit Ganguly
Ms. Trina Mitra

... for the State

Report submitted by the Id. Advocate for the State
be kept with the record.

The background of the case reflects that the case
was instituted in the year 2013 being Garfa PS Case No. 287
dt. 13.7.2013.

The petitioners before this court have been
implicated as accused and they pray for expeditious disposal
of the case. The report of the concerned police officer
reflects that on majority of the occasions the accused
persons were not present before the Id. trial court and, as
such, trial could not proceed to that extent. On certain
occasion(s), warrant of arrest was also issued.

It is also found that systematic delay contributed to
the proceedings continuing for more than 10 years.

Having considered the manner in which proceedings are continuing before the Id. trial court, I direct that the Id. Magistrate would fix one date in a month for the purpose of the present case till all the prosecution witnesses are over.

In case, any accused is absent, an affidavit may be filed on behalf of the Id. advocate to the extent that the accused will not be prejudiced if the evidence is recorded in the absence of the accused. In the alternative, the Id. Magistrate will modify the prayer of bail to the extent that the accused persons will attend Garfa P.S. twice in a week till further orders of the Id. trial court.

In case, any witness is absent, the Id. trial court will inform the officer in charge of Garfa P.S. who would take steps for ensuring regarding the availability of the witnesses concerned. Id. Public Prosecutor appearing in the case will take steps for producing exhibits, materials and documents on the next date for recording the evidence of the witness. The trial of the case would continue in spite of any resolution of the local Bar. All stakeholders will cooperate with the Id. trial court for concluding the trial at the earliest.

With the aforesaid observations, CRR 1489 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.)