

D/L10
12.04.2024
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C.R.R.3409 of 2023

In Re: An application under Section 483 read with Section 482 of the Code of Criminal Procedure, 1973;

Shri Biswarup Paine and another
Versus
The State of West Bengal and another

Mr. S. Nag.
...for the petitioners.

Mr. Jaydeep Biswas.
...for the State.

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

Report reflects that charge in connection with Rishra Police Station Case No.37 of 2018 dated 21.03.2018 was framed on 08.04.2021. Subsequently, CSW-1 did not appear and bailable warrant of arrest was issued by the learned trial court and the execution of such warrant of arrest is fixed on 6th May, 2024 when date has also been fixed for evidence.

Having regard to the fact that the case is pending for more that four years and the present petitioners are facing agony of trial, I direct the learned trial court to fix at least one date in every 45 days so that the trial of the case can be taken to its logical conclusion within a reasonable period of time. The learned trial court would exhaust the process and after fixing three dates would think in terms of closing of the witnesses by exercising its discretion and obviously the interest of justice. Unnecessarily if the witnesses are not interested in pursuing the litigation the time of the court

should not be wasted. However, prior to the same, the learned trial court would ensure that in spite of receipt of the process issued by the court the witnesses are purposely not appearing. 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. 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 3409 of 2023 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.)