

D/L11
08.04.2024
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C.R.R.3460 of 2023

In Re: An application under Section 482 of the Code of Criminal Procedure;

Chandranath Mukherje
Versus
The State of West Bengal

Mr. Subhendu Roychoudhury
Ms. Shila Chatterjee
Ms. Aparupa Ghoshal.
...for the petitioner.

Mr. Arindam Sen
Ms. Sonali Bhar.
...for the State.

Petitioner is aggrieved by the progress of Kharagpur (Local) Police Station Case No.194 of 2017 dated 20.04.2017. According to the learned advocate, as almost 7 years have passed till date charge has not been framed, the petitioner is unnecessarily being harassed in connection with the instant case.

Learned advocate appearing for the State has submitted a report. Let the report be kept with the record.

It has been submitted on behalf of the State that since one of the accused expired and the report in respect of the confirmation relating to the death of the person took some time to be submitted before the learned trial court, there has been a delay.

Be that as it may, almost 7 years have passed since the initiation of the case, as such, the learned trial court should overcome the stage of consideration of charges on 19th April, 2024 or within a week thereafter. In case after the charges are considered, the learned trial court is of the opinion that the trial of

the case should proceed in the background of the facts of the present case, the learned trial court would fix one date in a month for the purpose of the trial of the case so that the trial of the case can be concluded within a reasonable period of time. In case any witness is not available, the learned trial court would engage with the Officer-in-Charge of Kharagpur (Local) Police Station who would ensure regarding the availability of the witnesses and/or in the alternative submit a report in respect of the non-availability of such witnesses concerned. 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. All stakeholders would cooperate with the trial court to conclude the trial at the earliest.

With the aforesaid observations, CRR 3460 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.)

