

D/L12
12.04.2024
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C.R.R.3952 of 2023

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

Tajmul Sk.
Versus
The State of West Bengal

Mr. Md. Golam Nure Imrohi
Ms. Arundhuti Barai.
...for the petitioner.

Mr. Md. Anwar Hossain
Mr. Mir Anirwzzaman.
...for the State.

Affidavit of service so filed by the petitioner be kept with
the record.

Petitioner is aggrieved by the fact that he is in custody
since October, 2022 and after even 1½ years in spite of charge
being framed, none of the witnesses till date have been examined.
The prosecution in order to prove its case has relied upon 16
witnesses.

Having considered the fact that no witness till date has
been examined, I am of the view that the agony expressed by the
petitioner is justified. Accordingly, I direct the learned trial court to
fix schedule of three dates on and from the next date so fixed and
fix such schedule once in every 60 days so that the trial of the case
can be taken to its logical conclusion within a reasonable period of
time. No unnecessary adjournment be granted to any of the parties.
In case any witness is not available, the learned trial court would
communicate with the office of the Superintendent of Police of the

concerned district who would ensure regarding the availability of the witnesses' concerned or in the alternative submit a report before the court assigning reasons for non-availability of such witnesses' concerned. It would be the discretion of the learned special court to accommodate such report so submitted from the office of the S.P. It is reiterated that no lame excuse on flimsy grounds should be accepted by the learned special court. 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 3952 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.)

