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CRR 3337 of 2025

In Re : An application under Section 529 of the BNSS, 2023.
and
In Re : Shri Tridib Sarkarpetitioner

Ms. Aiswarjya Gupta
Mr. Priyanka Saha
..... for the petitioner

The present revisional application has been preferred seeking a direction upon the Court of the learned Judicial Magistrate, 1st Court, Barrackpore, North 24-Parganas, to expeditiously dispose of G.R. Case No. 2644 of 2018, arising out of Barrackpore Cyber Crime Police Station Case No. 11 of 2015 dated 23.09.2015, registered under Sections 500/506 of the Indian Penal Code and Section 66(C) of the Information Technology Act, 2000.

Ms. Gupta, learned Advocate appearing for the petitioner, submits that on the basis of certain baseless allegations, the opposite party no. 2 lodged an FIR against the petitioner. She contends that the petitioner himself is a victim of cybercrime arising from the unscrupulous activities of some unknown persons. On one occasion, using the petitioner's name, phone number, and address, a letter containing a death threat was sent to one Mr. A. Banerjee. Additionally, several orders were placed on Flipkart using the petitioner's phone number. She further submits that the petitioner has been falsely implicated in the present case.

It is also submitted that although the case was initiated in 2015, nearly ten years have passed and the trial has yet to be concluded. Accordingly, she prays for a direction for early disposal of the case.

In response to my query, she submits that the charge in this case was framed on 22nd April, 2025. However, the date for examination of the prosecution witnesses has been scheduled almost a year later, i.e., on 11th May, 2026.

Having heard the learned Advocate appearing for the petitioner and upon perusal of the materials on record, I am of the view that no purpose will be served by keeping this revisional application pending. Undisputedly, the case was initiated in the year 2015 and ten years have already elapsed. Only the charge has been framed against the petitioner, and the next date for examination of certain prosecution witnesses has been fixed almost a year later, i.e., on 11th May, 2026.

The petitioner, however, is entitled to a speedy trial, which is not only a statutory entitlement but also a fundamental right guaranteed under Article 21 of the Constitution of India, being an integral facet of the right to life and personal liberty. Any unwarranted delay in the disposal of the case would, therefore, amount to a violation of such right.

In view of the above, this revisional application is disposed of with a direction to the learned court below to make a sincere effort to conclude the trial and dispose of the case within one year from the next date fixed for hearing, i.e., from 11th May, 2026, without granting any unnecessary adjournments to either of the parties.

With the above observations and order the revisional application is, thus, disposed of.

(Partha Sarathi Chatterjee, J.)