

24.06.2026

Sl. No.22.

Ct. No.237

Suman

CRR 1681 of 2026

Chandra Nath Saha

-vs-

The State of West Bengal & Ors.

Ms. Ananya Mondal
Ms. Manishka Dhar
..for the petitioner

Mr. Jyotirmoy Talukdar
Mr. Triptimoy Talukder
..for O.P. No.2.

Mr. Kallol Mondal, Ld. P.P.
Mr. Subir Ganguly
..for the State

The present application has been filed seeking expeditious disposal of the trial arising out of Posta Police Station Case No. 158 of 2020, dated 24 September 2020, corresponding to G.R. Case No. 1226 of 2020, registered under Sections 120B and 420 of the Indian Penal Code, corresponding to Sections 61 and 318 of the Bharatiya Nyaya Sanhita, 2023, and presently pending before the learned 3rd Metropolitan Magistrate at Calcutta.

Numerous applications have been filed before this Court seeking expeditious disposal of trials pending before the respective trial courts. However, it is only on rare occasions that this Court has been confronted with the contention that a de facto complainant is not entitled to seek an expeditious hearing of a trial by approaching this Court.

Learned counsel appearing on behalf of Opposite Party No. 2 has advanced such a contention, placing reliance upon a judgment

of the Delhi High Court reported at **2026 SCC OnLine Del 51**,
(Renuka Jain v. State (NCT of Delhi) & Ors).

The relevant extract from the said judgment is reproduced below:

“3. As regards locus standi, the only argument advanced by learned counsel for petitioner is that petitioner is a victim and also the complainant de facto of the offence, so she has a right to file such petition. Learned counsel for petitioner also refers to order dated 07.02.2023 of a coordinate bench of this Court passed in W.P.(Crl.) 2090/2018 to show that on similar petition of the present petitioner, the learned Single Judge directed the trial court to conclude the trial within two years after framing of charges.

4. I find substance in the submission of the learned prosecutor that the subject case being a State case, role of the complainant de facto is limited to being a witness and therefore, it is only the State or the accused who can bring such petition. In this regard, it would be apposite to also note that the complainant de facto can sustain action independent of prosecution side only in certain situations explicitly laid down in law. The present petition does not fall under that category.”

This Court is, however, of the view that when an application seeking an expeditious hearing is placed before a High Court, the Court ought to consider and decide the same irrespective of the locus standi of the applicant.

In this regard, Section 483 of the Code of Criminal Procedure, 1973 assumes relevance and is reproduced below:

“483. Duty of High Court to exercise continuous superintendence over Courts of Judicial Magistrates.- Every High Court shall so exercise its superintendence over the Courts of Judicial Magistrates subordinate to it as to ensure that there is an expeditious and proper disposal of cases by such Magistrates.”

It is further noteworthy that the Bharatiya Nagarik Suraksha Sanhita, 2023 incorporates a provision analogous to Section 483 of the Code of Criminal Procedure, 1973. The significant distinction between the two provisions is that, whereas Section 483 was

applicable only to Magistrates, Section 529 extends the supervisory ambit of the High Court to Judges conducting trials as well.

Section 529 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is extracted hereunder:

“529. Duty of High Court to exercise continuous superintendence over Courts.- *Every High Court shall so exercise its superintendence over the Courts of Session and Courts of Judicial Magistrates subordinate to it as to ensure that there is an expeditious and proper disposal of cases by the Judges and Magistrates.”*

The very existence of Section 483 of the Code of Criminal Procedure, 1973 and its successor provision, Section 529 of the Bharatiya Nagarik Suraksha Sanhita, 2023, makes it abundantly clear that expeditious disposal of criminal proceedings is not merely a right available to the parties to a trial; rather, it is a statutory obligation cast upon the High Court to ensure the prompt and proper disposal of cases by Judges and Magistrates.

In view of the aforesaid, I find no merit in the contention advanced by the learned advocate appearing for the petitioner that the present application ought not to be entertained on the ground that the de facto complainant lacks the requisite locus standi.

Insofar as the present case is concerned, it does not appear to this Court that the delay in the trial is attributable either to the accused persons or to the de facto complainant. The progress of the trial has been impeded primarily on account of the absence of the Presiding Officer and, at certain stages, owing to resolutions adopted by the concerned Bar Association. It has been submitted before this Court that, out of the three prosecution witnesses, one witness has been examined in part.

Having regard to the aforesaid circumstances, this application is disposed of with a direction upon the learned 3rd Metropolitan Magistrate at Calcutta to make every endeavour to conclude the trial as expeditiously as possible, preferably within a period of one year from the date of communication of this order, without granting any unnecessary adjournment to either of the parties.

Before parting with the matter, I place on record my sincere appreciation for the valuable assistance rendered by the learned advocates appearing on behalf of the petitioner and the State, as well as by Mr. Sabyasachi Banerjee, learned Senior Advocate.

Accordingly, **CRR 1681 of 2026** is disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the learned advocates for the parties on usual undertakings.

(Kausik Chanda, J.)