

WP(C) 1799/2009

BEFORE

THE HON'BLE MR. JUSTICE IA ANSARI

Heard Mr. PC Dey, learned counsel for the petitioner, and Ms. P Phukan, learned counsel appearing on behalf of the respondents. Also heard Mr. Z Kamal, learned Public Prosecutor.

Perused the materials on record including the status report, dated 27.08.2009, submitted by the District and Sessions Judge, Goalpara. The status report is silent as to why the delay took place in the process of commitment of the case to the Court Sessions. This apart, from the list of dates, submitted by the learned Public Prosecutor, it transpires that the learned Sessions Judge has been fixing dates from time to time for examination of witnesses. This is not the procedure to be followed, in any criminal case, particularly, in a case, which is exclusively triable by a Court of Sessions. Once examination of the prosecution witnesses commences, trial shall be completed, on day to day basis without allowing any adjournment unless adjournment becomes, for reasons to be recorded, wholly indispensable. In the case at hand, the case appear to have been fixed from time to time for recording evidence of witnesses instead of fixing the case for day to day hearing.

The learned Public Prosecutor has, however, submitted that according to the instructions received from the learned Public Prosecutor, Goalpara, who has been conducting the case at Goalpara, that the case is likely to be concluded by the end of the year 2009.

In the facts and circumstances of the present case, it is hereby, in the interest of justice directed that the learned Sessions Judge, Goalpara, shall deal with the case, in question, i.e. the Sessions Case No. 72 of 2006, on day to day basis and conclude the trial, in accordance with law, at the earliest and, preferably within a period of four months from today. If there is any further delay in the case, the reasons for delay shall be communicated by the learned Sessions Judge, Goalpara, to the Registry of this Court, and the Registry shall, the reupon, brought the matter to the Court on judicial side so that necessary corrective steps can be taken.

With the above observations and directions, this writ petition shall stand disposed of.