

S/L-80
31-07-2023
KOLE

CRR 2759 of 2023

Mr. Faruk Ahamed @ Laltu Sk
-Vs.-
The State of West Bengal

Mr. Md. S. Biswas
Mr. Partha Pratim Sinha,

... for the petitioner.

Mr. Saswata Gopal Mukherjee, Ld. PP,
Mr. Saryati Datta,

... for the State.

The petitioner is directed to serve a copy of the revisional application upon Mr. Saryati Datta, who ordinarily appears on behalf of the State. His appointment may be regularized by the concerned authorities.

The petitioner is aggrieved by the fact that he was arrested on 01.02.2022 and on completion of investigation charge-sheet was submitted before the jurisdictional court being the Learned Additional District Judge, 5th Court and consequently with progress of time the learned Trial Court in NDPS Case No. 40 of 2022 was pleased to frame charge on 6th May, 2022. However, learned Advocate for the petitioner submits that from 6th May, 2022 till date no witness has been examined by the prosecution although the prosecution has relied on eight witnesses. Most of the witnesses belonged to the Government Department, according to the petitioner.

In view of the anxiety so expressed I find that because of the petitioner being detained about 18 months the same is justified. Learned Trial Court is directed to communicate with

the Superintendent of Police or Commissioner of Police of the concerned area who are maintaining the registrar for progress of NDPS cases. No witness should be spared if they are reluctant to appear before the learned Trial Court on the date so fixed for evidence. The Superintendent of Police would take steps for the witnesses of the Government Department being present on the date so fixed. No unnecessary adjournment should be granted to either of the parties. The Public Prosecutor conducting the case would produce the materials, documents and exhibits on the date so fixed for evidence. All stakeholders will cooperate with the learned Trial Court for conclusion of the trial.

With the aforesaid observations, CRR No. 2759 of 2023 is disposed of.

Pending 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 be supplied to the parties, if applied for, as early as possible.

(Tirthankar Ghosh, J.)