

Criminal Revision
Present:
The Hon'ble Justice Ashim Kumar Roy
C.R.R. No. 72 of 2010
Pintu Mondal
versus
The State of West Bengal
Judgment On : 01-02-2010.

Point:

EXPEDITIOUS TRIAL: Whether the Court should proceed with a case of custody trial strictly in terms of Section 309 of the Code of Criminal Procedure - Code of Criminal Procedure, 1973, S. 309.

Fact: The petitioner who has been facing a custody trial for an offence punishable under Section 20 (i)(b) of the Negotiable Instruments Act, before the Ld. Additional Sessions Judge, Alipore and Special Court under the N.D.P.S. Act, moved this application for a direction for conclusion of his trial expeditiously.

Held:

The High Court, by disposing of the application, directed the Learned Trial Court to proceed with the matter strictly in terms of Section 309 of the Code of Criminal Procedure and not to grant any adjournment to either of the parties unless it is found that the same is necessary for the ends of justice. Paragraph – 4

For Petitioner : Mr. Iqbal Hossain

For State : Mr. Tirthankar Ghosh

The Court:

The petitioner who has been facing a custody trial for an offence punishable under Section 20 (i)(b) of the Negotiable Instruments Act, before the Learned Additional Sessions Judge, 12th Court, Alipore and Special Court under the N.D.P.S. Act, moved this application for a direction for conclusion of his trial expeditiously.

2. Heard Mr. Iqbal Hossain, Learned Counsel appearing on behalf of the petitioner and Mr. Tirthankar Ghosh, learned advocate for the State.

3. It appears from the perusal of the records that the petitioner, in connection with the above noted case, was arrested on 21st July, 2009 and he is still in custody. The charge-sheet in connection with the case has been submitted on 5th September, 2009. Already the date for recording of evidence has been fixed and the same is to be started on and from March 1, 2010. In such circumstances, in my opinion, it cannot be said that there is no progress in the trial and any inordinate or unusual delay has been caused in this regard.

4. Be that as it may, I dispose of the application directing the Learned Trial Court to proceed with the matter strictly in terms of Section 309 of the Code of Criminal Procedure and not to grant any adjournment to either of the parties unless it is found that the same is necessary for the ends of justice.

Accordingly, the instant criminal revisional application stands disposed of.

Criminal Section is directed to deliver urgent Photostat certified copy of this Judgement to the parties, if applied for, as early as possible.

(Ashim Kumar Roy, J.)