

Criminal Revision

Present: **The Hon'ble Justice Ashim Kumar Roy**

C.R.R. No. 898 of 2010

Judgment On: 07-04-2010.

Dinesh Biswas
versus
State of West Bengal

POINTS:

EXPEDITIOUS TRIAL- Although charge has been framed but till date not a single witness has been examined and matter is pending for about four years-Whether Court can direct for expeditious hearing-Code of Criminal Procedure, 1973 S.309

FACTS:

The petitioner, who has been facing his trial of a charge under Section 498A of the Indian Penal Code before the Learned Judicial Magistrate, has moved this Court for a direction for expeditious conclusion of the trial.

HELD:

The case is an outcome of a First Information Report registered on 25th June, 2006. The charge-sheet has been submitted in July, 2006. Thereafter, although charge has been framed but till date not a single witness has been examined and matter is pending for about four years. Para-3

The Court disposes of the instant criminal revisional application directing the trial Court to conclude the trial as expeditiously as possible, preferably within a year from the next date fixed.

The Learned Magistrate is also directed to proceed the case strictly in terms of Section 309 of the

Code of Criminal Procedure and not to grant any unnecessary adjournment to either of the parties unless the Court feels the same is necessary for ends of justice. Para-4

For Petitioner : Ms. Madhumita Patra

For State : Mr. Alok Roychowdhury

THE COURT:

1. Invoking Section 483 of the Code of Criminal Procedure, the present petitioner, who has been facing his trial of a charge under Section 498A of the Indian Penal Code in connection with G.R. Case No. 272 of 2006 before the Learned Judicial Magistrate, Kalna, Burdwan has moved this Court for a direction for expeditious conclusion of the trial.

2. Heard the learned advocate appearing on behalf of the petitioner as well as the learned advocate appearing on behalf of the State. Perused the materials on record.

3. It appears that the case in question is an outcome of a First Information Report registered on 25th June, 2006. The charge-sheet in connection with the said case has been submitted on July, 2006. Thereafter, although charge has been framed but till date not a single witness has been examined and matter is pending for about four years.

4. Now, having heard the learned advocates appearing on behalf of the parties and considering the materials on record, I dispose of the instant criminal revisional application directing the trial Court to conclude the trial as expeditiously as possible, preferably within a year from the next date fixed. The Learned Magistrate is also directed to proceed the case strictly in terms of Section 309 of the Code of Criminal Procedure and not to grant any unnecessary adjournment to either of the parties unless the Court feels the same is necessary for ends of justice.

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

(Ashim Kumar Roy, J.)