

Criminal Revision

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

C.R.R. No. 935 of 2010

Judgment On: 16-04-2010.

Sk. Sirajul Haque Gazi

versus

State of West Bengal

POINTS:

SPEEDY TRIAL-Matter pending for a long time- charge-sheet has been submitted nearly six years back -Right to speedy trial, whether a fundamental right-Constitution of India, Art. 21- Indian Penal Code, Ss. 498A/323/504/34/120/406

FACTS:

The trial is an outcome of a First Information Report registered on December 28, 2003 and charge-sheet was submitted in connection with the said case in January, 2004. The charge has already been framed, but till date not a single witness has been examined.

HELD:

Having regards to the facts that the right to speedy trial of an accused is his fundamental rights guaranteed under Article 21 of the Constitution and the matter is pending for long time where charge-sheet has been submitted nearly six years back, the Trial Court is directed to take necessary steps to conclude the trial as expeditiously as possible preferably within a period of one year from the next date fixed for recording of evidence.

Para-3

For Petitioner : Ms. Karabi Roy

For State : Mr. Amajit De

THE COURT:

1. Invoking Section 483 of the Code of Criminal Procedure, the petitioner who along with others has been facing his trial of the charges under Sections 498A/323/504/34/120/406 of the Indian Penal Code, in connection with G.R. Case No. 4950 of 2003 now pending before the Learned Additional Chief Judicial Magistrate, Baruipur, has moved this Court for a direction for expeditious conclusion of the said trial.
2. It is submitted that the aforesaid trial is an outcome of a First Information Report registered on December 28, 2003 and charge-sheet was submitted in connection with the said case in January, 2004. It is further submitted that the charge has already been framed, but till date not a single witness has been examined.
3. Having regards to the facts that the right to speedy trial of an accused is his fundamental rights guaranteed under Article 21 of the Constitution and the matter is pending for long time where charge-sheet has been submitted nearly six years back, the Trial Court is directed to take necessary steps to conclude the trial as expeditiously as possible preferably within a period of one year from the next date fixed for recording of evidence. The Learned Trial Court is further directed to proceed strictly in accordance with law in terms of provision of Section 309 of the Code of Criminal Procedure.
4. This criminal revision is thus, disposed of.
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.)