

Criminal Revision

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

C.R.R. No. 804 of 2010

Judgment On: 07-04-2010.

Sajal Kumar Das
versus
The State of West Bengal

POINTS:

SPEEDY TRIAL- Trial, an outcome of a FIR registered on 1st of November, 2000 and charge-sheet submitted on September 25, 2002-Case pending for ten years-Learned Trial Court, whether be directed to conclude the trial as expeditiously as possible-Speedy Trial whether a fundamental right - Constitution of India, Article 21

FACTS:

The aforesaid trial is an outcome of a FIR registered on 1st of November, 2000 and charge-sheet was submitted on September 25, 2002. Thereafter trial was commenced on framing of charge but till date not a single witness was examined in connection with the said case. The next date for evidence was fixed on 3rd May, 2010 which was to be continued till 5th June, 2010. Therefore, the case was pending for nearly ten years. The petitioner therefore moved this Court for a direction for expeditious conclusion of the trial.

HELD:

The right to speedy trial is a fundamental right of an accused guaranteed under Article 21 of the Constitution therefore, the petitioner's prayer is fully justified. Accordingly, the Court directs the

Learned Trial Court to conclude the trial as expeditiously as possible and preferably, within a year from the next date fixed for recording of evidence. Para-4

For Petitioner : Mr. Sankhadip Chowdhury

For State : Ms. Minoti Gomes

THE COURT:

1. The present petitioner who along with others have been facing their trial of a charge under Sections 395/397 of the Indian Penal Code before the Learned Additional District & Sessions Judge, 4th Court, Barrackpore, has moved this Court for a direction for expeditious conclusion of the trial.
2. Heard Mr. Chowdhury for the petitioner as well as Ms. Gomes for the State. Perused the materials on record.
3. It appears that the aforesaid trial is an outcome of a FIR registered on 1st of November, 2000 and charge-sheet was submitted on September 25, 2002. Thereafter trial was commenced on framing of charge but till date not a single witness has been examined in connection with the said case. It appears that the next date for evidence has been fixed on 3rd May, 2010 which is to be continued till 5th June, 2010. Therefore, the case is pending for nearly ten years.
4. The right to speedy trial is a fundamental right of an accused guaranteed under Article 21 of the Constitution therefore, the petitioner's prayer is fully justified. Accordingly, I direct the Learned Trial Court to conclude the trial as expeditiously as possible and preferably, within a year from the next date fixed for recording of evidence. The Learned Trial Judge is directed to proceed with the case strictly in accordance with the provisions of Section 309 of the Code of Criminal Procedure.

5. This criminal revisional application thus stands disposed of.
6. 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.)