

Criminal Revision

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

C.R.R. No. 924 of 2010

Judgment On: 16-04-2010.

Asif Khan
versus
The State of West Bengal

POINTS:

SPEEDY TRIAL-FIR registered on February 11, 2000-Police submitted the charge-sheet on August 19, 2000-No charge framed till date-The right to speedy trial whether is a fundamental right of an accused- Constitution of India, Art.21

FACTS:

FIR was registered on February 11, 2000 at Baruipur Police Station against the present petitioner and others and on August 19, 2000, the police submitted the charge-sheet, however till date even charge has not been framed. Therefore the present petitioner along with others have 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, thus approaching this Court for a direction for expeditious conclusion of the trial by the accused person is wholly justified.

Para-3

The Court finds that no trial has been commenced during last ten years after submission of the charge-sheet and the prosecution has proposed to rely on the evidence of seven witnesses only in support of its case. In such circumstances, the Court disposes of this application directing the Learned Trial Court to conclude the trial as expeditiously as possible. Para-4&5

For Petitioner : Mr. Tarique Quasimuddin

For State : Ms. Minati Gomes

THE COURT:

1. The present petitioner, who along with others have been charge-sheeted under Sections 420/120B of the Indian Penal Code, have moved this Court for a direction for expeditious conclusion of the trial.
2. Heard Mr. Tarique Quasimuddin, the learned Counsel appearing for the petitioner as well as Mr. Minati Gomes, the learned Counsel appearing for the State.
3. It appears that in connection with a case relates to offences punishable under Sections 420/120B of the Indian Penal Code, a FIR was registered on February 11, 2000 at Baruipur Police Station against the present petitioner and others and on August 19, 2000, the police submitted the charge-sheet, however till date even charge has not been framed.

The right to speedy trial is a fundamental right of an accused guaranteed under Article 21 of the Constitution, thus approaching this Court for a direction for expeditious conclusion of the trial by the accused person is wholly justified.

4. Now, having considered the materials on record as well as the submissions made on behalf of the parties, I find this is an admitted position that no trial has been commenced during last ten years

after submission of the charge-sheet and the prosecution has proposed to rely on the evidence of seven witnesses only in support of its case.

5. In such circumstances, I dispose of this application directing the Learned Trial Court to conclude the trial as expeditiously as possible preferably within six months from the date of communication of this order. The Learned Magistrate is further directed to proceed with the matter strictly in terms of the provisions 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.

6. This criminal revision is thus disposed of.

7. 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.)