

Criminal Revision**PRESENT: The Hon'ble Justice Ashim Kumar Roy****Judgment On: 06-01-2010.****C.R.R. No. 4394 of 2009****Nasiruddin Mondal & Ors.****versus****The State of West Bengal****Point:**

SPEEDY TRIAL: Speedy trial whether a fundamental right - The Code of Criminal Procedure, 1973 S.309 –Constitution of India, Art 21

Fact: The petitioners filed the instant Revisional application stating that till date not a single witness has been examined although the police submitted charge-sheet for the self-same offences against the petitioners and charge has already been framed against them and moreover the Hon'ble High Court by the orders directed the Trial Court to expedite the conclusion of the trial.

Held:

Right to speedy trial is the fundamental right of the accused guaranteed under Article 21 of the Constitution of India. Paragraph – 3

For Petitioners : Md. Shahjahan Hossain
Ms. Sanjida Sultana

The Court:

The present petitioners on 13th August, 2008 were arrested in connection with a criminal case relating to offence punishable under Section 20 (B)(I)/29 of the N.D.P.S. Act and under Section 413/414 of the Indian Penal Code. The said case gave rise to N.D.P.S. Case No. 96 of

2008 and now pending before the Learned Additional District & Sessions Judge, 6th Court, Barasat, 24-Parganas (North).

2. It appears from the materials on record that on 24th September, 2008 the police submitted charge-sheet for the self-same offences against the petitioners and charge has already been framed against them, but till date not a single witness has been examined.

It further appears earlier this Hon'ble High Court by the orders made in connection with C.R.M. No. 6845 of 2009 and C.R.M. No. 12971 of 2009 directed the Trial Court to expedite the conclusion of the trial but till date not a single witness has been examined. It is very unfortunate the Trial Judge had shown an utter disregard to the orders of this Hon'ble Court and made no attempt even to commence the trial.

3. Be that as it may, now having heard the learned advocates appearing on behalf of the parties and considering the materials on record I dispose of this criminal revision directing the Trial Court to conclude the trial as expeditiously as possible preferably within six months, without fixing any outer limit for conclusion of the trial, inasmuch as the petitioners are facing custody trial being in jail for more than one year and four months and the right to speedy trial is the fundamental right of the accused guaranteed under Article 21 of the Constitution. The Learned Trial Court is directed to proceed with the trial strictly in terms of the provisions of Section 309 of the Code and not to grant any adjournment to either of the parties, unless the Court feels same is necessary for ends of justice.

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.)

