

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

Judgment on: 10.03.2010

**C.R.R. No. 544 of 2010****Mahadev Ghosh & Ors.****versus****State of West Bengal****Point:**

**SPEEDY TRIAL:** Right to speedy trial whether a fundamental right of an accused – the Constitution of India, Art. 21- Code of Criminal Procedure, 1973 S. 483.

**Fact:** The petitioners, who have been facing their trial under Sections 147/148/325/326/34 of the Indian Penal Code and under Section 9 (b) of the Indian Explosives Act, have filed the instant application by invoking Section 483 of the Code of Criminal Procedure, for a direction for expeditious conclusion of their trial.

**Held:**

The right to speedy trial is a fundamental right of an accused guaranteed under Article 21 of the Constitution and as such there is no wrong on the part of the accused persons to move this Court for a direction for expeditious conclusion of their trial. (Paragraph – 4)

For Petitioners : Mr. Dipanjan Chatterjee

For State : Ms. Minoti Gomes

The Court: Invoking Section 483 of the Code of Criminal Procedure, the petitioners, who have been facing their trial on a charge under Sections 147/148/325/326/34 of the Indian Penal Code and under Section 9 (b) of the Indian Explosives Act, have moved this Court for a direction for expeditious conclusion of their trial.

2. Heard learned advocates appearing on behalf of the parties. Perused the materials on record.

3. It appears that the trial in question is an out come of a First Information Report lodged on 16<sup>th</sup> of July, 2007. In connection with this case, charge-sheet was filed in Court on 14<sup>th</sup> of December, 2007. However, till date no charge has been framed and 20<sup>th</sup> April, 2010 has been fixed for framing of charge.

4. The right to speedy trial is a fundamental right of an accused guaranteed under Article 21 of the Constitution and as such there is no wrong on the part of the accused persons to move this Court for a direction for expeditious conclusion of their trial.

5. In such circumstances, the Learned Court below is directed to conclude the trial as expeditiously as possible, preferably within a year from the next date fixed for framing of charge.

6. This criminal revision stands allowed.

7. 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. )**