

CRIMINAL REVISION

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

C.R.R. No. 390 of 2010

Judgment On: 31-03-2010.

Pranab Kumar Mukherjee

versus

State Of West Bengal & Ors.

POINTS:

SPEEDY TRIAL- Trial pending for about 9 years-Trial to be held on continuous basis - Constitution of India, Art. 21-Code of Criminal Procedure, 1973 S.309- Indian Penal Code, Ss. 498A/406/120B

FACTS:

The petitioner, who has been charge-sheeted along with others under Sections 498A/406/120B of the Indian Penal Code, has moved this Court for a direction for expeditious conclusion of his trial invoking Section 483 of the Code of Criminal Procedure.

This trial is an out come of a F.I.R. lodged on 7th September, 2001. In connection with this case, charge-sheet has been submitted sometime in October, 2001. Thereafter, the charge was framed on 7th December, 2009 and recording of evidence commenced on and from 12th April, 2010.

HELD:

Right to speedy trial is a fundamental right of an accused guaranteed under Article 21 of the Constitution. However, in the case at hand, the trial is pending for about nine years. The Learned Trial Court directed the trial must be proceeded strictly in accordance with the provisions of Section 309 of the Code of Criminal Procedure. Para-4

For Petitioner: Mr. Atarup Banerjee

THE COURT:

1) Invoking Section 483 of the Code of Criminal Procedure, the present petitioner, who along with others has been facing his trial of a charge under Sections 498A/406/120B of the Indian Penal Code in connection with G.R. Case No. 2466 of 2001 before the Learned Judicial Magistrate, 1st Court, Barrackpore arising out of Baranagar P.S. Case No. 153 dated 07.9.2001, has moved this Court for a direction for expeditious conclusion of the trial.

2) Although Mr. Atarup Banerjee for the petitioner was present in Court but in spite of service of notice and repeated calls, none appeared on behalf of the opposite parties. The affidavit of service showing the service was duly effected upon them is already with the records.

3. It appears that this trial is an out come of a F.I.R. lodged on 7th of September, 2001. In connection with this case, charge-sheet has been submitted sometime in October, 2001. Thereafter, the charge has been framed on 7th of December, 2009 and recording of evidence is to be commenced on and from 12th of April, 2010.

4. Right to speedy trial is a fundamental right of an accused guaranteed under Article 21 of the Constitution. However, in the case at hand, the trial is pending for about nine years. In such view of the matter, the Learned Trial Court is directed to make all endeavours to conclude the trial as expeditiously as possible preferably within ten months from the date of communication of this order. It is further directed the trial must be proceeded strictly in accordance with the provisions of Section 309 of the Code of Criminal Procedure. The Trial Court is directed not to grant any adjournment to either of the parties, unless the Court finds the same is necessary for ends of justice.

5) This criminal revisional application is, thus, 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.)