

C. Case No. 53 of 2011
CNR WBBB01-000476-2011
JO CODE WB00702

Order dated 24.02.2023

This day is fixed for appearance and further evidence of PW-1 and evidence of CSW-4, Arup Kumar Mukherjee, Constable being no. 984.

Both accused persons, namely, Sk Hasib and Manaruddin @Ajad on Court bail are present by filing their haziras.

Ld.P.P. in-charge and Ld. Advocate for the defence both are present.

This is a case which was registered in the year 2011 u/s 17(c)/29 of NDPS Act. It further reveals from the record that charge has been framed against the above named accused persons on 25.06.2012 u/s 17(c)/29 of NDPS Act and the instant case has been fixed for trial on 26.07.2012.

Ld. P.P. in-charge submits in open Court that despite repeated efforts PW-1, namely, Arnab Guha, SI of Police did not turn up and also prays for fixing another date so that PW-1 can adduce his further evidence on the next date so fixed.

Ld. advocate for the defence submits that in this case the accused persons are suffering since long i.e. more than a decade and the prosecution has failed to adduce all the prosecution witnesses till this date and accordingly, prays for passing necessary order.

Considered.

The legal position as adumbrated by the Hon'ble Supreme Court in A.R. Antule's case reiterated in a decision reported in Haradhan Das versus State of West Bengal (2013 Crimes) that the right to the speedy trial is the fundamental right of the accused which flows from Article 21 of our Constitution and encompasses the stage of right from the date of registration of the FIR and onwards. Section 309 Cr. P.C. also supports the above view and it also enjoys expeditious holding of the proceeding and continuous examination of the witnesses.

In this case PW- 1 deposed lastly on 6th September, 2013 and since then he did not turn up despite repeated reminders. It is not only unfortunate but also the conduct of PW-1 being the police personnel put hindrance in respect of smooth running of Criminal Justice Delivery System.

In view of the above circumstances, the prosecution is directed to ensure the presence of the witness (PW-1) positively on the next date fixed i.d. necessary order will be passed.

Let a copy of this order be sent immediately upon PW-1 by his name through the Office of the Superintendent of Police, Suri, Birbhum.

Fix 19.04.2023 for appearance of both the accused persons above named and further evidence of PW-1 and PW-4.

Dictated & corrected

Judge, Special Court under
NDPS Act, 1st Court, Suri.