

C. Case No. 74 of 2011  
CNR : WBBB01-000492-2011  
JO CODE WB00702

Order no. 79  
30.08.2023

This day is fixed for appearance and further evidence of Tridip Pramani, PW-1.

Out of 3 accused persons namely Rashu Duidas, Prasanta Ghosh are present by filing their respective hazirahs. The other accused namely Sk Golam is absent by filing a petition on the ground stated therein. The petition is considered and allowed for the interest of justice.

Heard Ld. Advocate for the accused persons. Heard Ld. P.P. in-charge.

Ld. Advocate for the accused persons submits in the open court that the instant case has been registered on 2011 but till this date the prosecution failed to adduce any witness in this case. He further submits that the defacto complainant of this case namely Tridip Pramani adduced his evidence on August, 2013 and since then he did not turn up and as such the instant case cannot be proceeded and for the said reason the accused persons have been deprived from getting their remedy of speedy trial which flows from Article 21 of our Constitution. Ld. Advocate also prays for passing necessary order for speedy disposal of this case.

Ld. P.P. in-charge does not raise any objection against the submission so made by the Ld. Advocate for the accused persons and he also prays for passing necessary order in this regard.

Considered the rival submission and perused the record. On perusal of the record it reveals that the instant case was registered against the accused persons on 29.10.2011 u/s 15 (c)/29 of NDPS Act and the charge have been framed against the accused persons on 20.03.2013 and since then the prosecution failed to adduce any witness in this case till this date. Although it appears from the record that the PW-1 has examined in part.

We know that the right to the speedy trial is the Fundamental Right of the accused which flows from Article 21 of our Constitution. There are catena of decisions of our Hon'ble Apex Court in respect of speedy disposal of the cases

which has been reported in **Raj Deo Sharma v State of Bihar, Ram Chandran v State of Karnataka, A.R. Antule v State of Maharastra** and the said principle has been reiterated in a case reported in **Haradhan Das v State of West Bengal 2013 (Crimes)**. The lacklusture and lackadestical attitude of the aforesaid witnesses i.e. PW-1 Tridip Pramanik put hindrance upon smooth running of Justice Delivery System and as such the fundamental right of the accused persons has been infringed. It further reveals from the record that despite availing several opportunities the said witness did not turn up to adduce his evidence on dock.

In view of the above circumstances, the proseuction is directed to ensure the presence of the aforesaid witness namely Tridip Pramani, the complainant of this case positively on the next date fixed i.d. necessary order be passed.

Let a copy of this order be sent to Tridip Pramanik, the complainant of this case, at once through the office of S.P., Suri, Birbum.

Fix 13.10.2023 for further evidence of PW-1, the compolainant namely Tridip Pramanik and appearance of the accused persons.

Prosecution do take appropriate steps to ensure the presence of the witnesses positively on the date fixed.

Dictated & corrected

Judge, Special Court under  
NDPS Act, 1<sup>st</sup> Court, Suri.