

GAHC040017702023



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)
(ITANAGAR BENCH)

Case No. : Crl.Petn./239/2023

Lalit Kumar Singh
S/o Late Arjun Singh Damai, R/o D Sector, Naharlagun, Dist. Papum Pare, Arunachal Pradesh.

VERSUS

THE STATE OF AP
Represented by P.P (A.P) 2:The Branch Manager
Age: 0
Occupation :
Arunachal Pradesh Rural Bank
Basar Branch
PO Basar
A

Advocate for the Petitioner : G Bhol, Tasso Dodung, Jambey Tsering, Sumit Chhetri, T Lampung, Khoda Tama, Tsering Gyatso

Advocate for the Respondent : P P of AP, Rosy c Lowangcha, Kirmar Ado, Doge Lona, Marge D, D Tamuk, Dicky Panging

BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR

ORDER

Date : 04-12-2024

Heard Mr. K. Kama, learned counsel for the petitioner. Also
heard Ms L. Hage, learned Additional Public Prosecutor for the State

respondent No.1 and Mr. D. Panging, learned counsel for the respondent No.2.

2. This application under Section 482 of Code of Criminal Proceeding is preferred by the petitioner, Shri Lalit Kumar Singh for quashing of proceedings in G. R. Case No. 160/2009, pending trial in the Court of the learned Chief Judicial Magistrate, Aalo, along with the corresponding FIR being FIR No.10/2009 (Basar P.S. Case No. 54/2009).

3. Basing on the allegation of the petitioner misappropriating an amount of Rs.11,36,000/-(Rupees eleven lakhs thirty six thousand only) from the Basar Branch of the bank during his tenure as the Branch Manager therein, a written FIR dated 22.01.2009 came to be lodged against the petitioner herein. On receipt of the said FIR, Basar P.S. Case No. 54/2009 under Section 409 IPC came to be registered against the petitioner. The police on completion of investigation proceeded to submit its charge sheet in the matter. The Trial Court framed charge against the petitioner under Section 409 IPC. The said case is pending trial against the petitioner in G.R. Case No.160/2009 in the Court of the learned Chief Judicial Magistrate, Aalo. It is projected that trial having commenced, the learned Court below issued summons to the witnesses and on 24.01.2019 two witnesses i.e. PW-1 and PW-2 were examined in the case and discharged. PW-3 and PW-4 were so examined on 01.08.2019 and 18.02.2019 respectively. The remaining two witnesses, namely, Hemachandra Miri and Jabring Vanya were

issued with summons, however, it is contended that the said witnesses did not appear in the trial causing the trial to be prolonged unnecessarily. The petitioner had also earlier approached this Court by way of filing a criminal petition No.70/2022, which was dismissed on 28.09.2022. However, this Court had observed in the said order that the learned Court for an earlier conclusion of the trial may avail various provision provided in Cr.P.C., including Section 309 (1) Cr.P.C, so that the speedy trial of the petitioner is not impaired. It is also contended that the petitioner had also instituted an application under Section 309 (1) Cr.P.C., however, the said application was dismissed.

4. I have heard the learned counsel for the parties and also perused the materials available on records.

5. It is an admitted fact that since the date of registration of case, around 15 years have lapsed. The charge in the case was framed against the petitioner on 17.09.2018 and around 4 witnesses were examined. The remaining 3 witnesses including the Investigating Officer has not been examined till date, and it appears that on account of non-appearance of the witnesses, the learned Court below had also issued bailable warrants of arrest against the 2 witnesses and I.O was also summoned. The steps taken by the learned trial Court would go to show that there was no lapse on the part of the learned court in expeditiously concluding the case and it also cannot be said that prosecution had also failed to have the trial concluded at the earliest.

6. In view of the above position and also it being a settled

position of law that this Court cannot prescribe a time limit for the learned trial Court to dispose of any case pending before it, this Court finds no merit in the present petition and accordingly, the same stands dismissed. However, this Court hopes and trust that the learned trial Court shall endeavour to dispose of the case at the earliest possible and to achieve this, the learned trial Court shall take all requisite steps as provided under law so as to ensure an early conclusion of the trial. However, such steps must not cause any prejudice to the defence of the petitioner herein.

7. With the above observation, the criminal petition stands disposed of.

JUDGE

Comparing Assistant