

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 706 of 2015

Surendra Khandekar S/o Sanna Khandekar Aged About 32 years R/o Village Malkharoda, Police Station Distt. Janjgir Champa Chhattisgarh.

---- Applicant

Versus

Sunil Kumar Jangade S/o Manmohan Lal Jangade Aged About 40 Years R/o Qr. No. 52/92 Police Colony, Police Station Torva, Distt. Bilaspur Chhattisgarh.

---- Respondent

For applicant – Shri Raj Kumar Gupta, Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order

14/08/2015

1. This petition under section 482 of Cr.P.C. is preferred with a limited prayer on the facts that applicant Surendra Khandekar was convicted under section 497 of IPC in criminal case No.7476/2014, wherein he has been sentenced to six months RI and fine of Rs.1000/- and in absence of payment of fine, one month further RI was ordered. The said sentence was subject of appeal in Criminal appeal No.226/2014 and the appeal was filed on 25/11/2014 whereby the sentence part in the criminal case bearing No.7476/2014 dated 17 November 2014 was suspended. Sentence was suspended on 28/11/2014 and case was fixed for final hearing on 9/01/2015. Subsequently 4-5 dates were passed and on 15/04/2015 the order sheet shows that respondent/complainant was

represented through his counsel and the case was fixed for final hearing on 5/05/2015. On 5/05/2015 an application was moved by the counsel on behalf of the complainant on the ground that he has filed transfer application before the High Court and submitted that the case though have not been stayed but is likely to be stayed on the next date of hearing. The counsel was directed to furnish particulars of the case pending before the High Court. Case thereafter fixed for 19/05/2015. On 19/05/2015 again same prayer was repeated with a addition that before the High Court they were directed to file separate transfer petitions and pursuant thereto case was again adjourned to 1/06/2015 for awaiting order of the High Court. On 1/06/2015 again date was prayed for by the respondent and the appellate court directed to file order if any have been passed by the High Court and fixed the case awaiting order of the High Court.

2. Learned counsel for the petitioner submits that on the different occasions dates have been adjourned only on the pretext that some orders will be filed which is passed by the High Court, however same has not been placed. He submits that petitioner/appellant has been convicted and since petitioner has lost his job because of the conviction, appeal may be heard on its merit.

3. It is further submitted that next date of hearing is on 24/08/2015. Prayer made by learned counsel for the petitioner do not appear to be unreasonable to get the appeal decided on merits.

4. In view of the limited prayer made, it is directed that learned appellate court shall be obliged to decide the appeal filed by the petitioner on merits within further period of one month from the date of receipt of this order. It is further observed that in the meanwhile if some orders have been passed by the High Court, appellate court shall act accordingly.

5. With such direction, petition stands disposed of.

Sd/-
(Goutam Bhaduri)
JUDGE