

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****CRMP No. 817 of 2015**

Satyendra Singh Verma, S/o. Late Ishwar Singh Verma, Aged about 45 years, R/o. Amaltashpuram Colony, Dhamtari, Post Office & Police Station- Dhamtari, Tahsil & District Dhamtari (C.G.)

**---- Petitioner****Versus**

State of Chhattisgarh, Through the District Magistrate, Dhamtari, District Dhamtari (C.G.).

**---- Respondent**

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For Petitioner : Mr. Shivendu Pandya, Advocate.

For Respondent/State : Ms. Farah Minhaj, Panel Lawyer.  
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**Hon'ble Shri Justice Goutam Bhaduri****Order On Board****15/09/2015**

1. This is a petition under Section 482 of Cr.P.C. against the order dated 02.09.2015 passed by the learned Additional Sessions Judge (F.T.C.), Dhamtari, in Criminal Revision No.42/2015. By such order, the order dated 13.08.2015 passed by the Judicial Magistrate First Class in Criminal Case No.1422/2014 was affirmed. The order pertains to rejection of application under Section 437(6) of Cr.P.C.
2. Learned counsel for the petitioner submits that after framing of the charges on 08.01.2015, first time the case was fixed for evidence on 22.01.2015 and thereafter within 60 days the case was not concluded. Subsequently, when the application under Section 437(6) of Cr.P.C. was filed, the same was rejected. It is contended that the case will take some time, therefore, in view

of the provisions of Section 437(6) of Cr.P.C., the bail should have been granted to the petitioner.

3. Per contra, learned State counsel vehemently opposes the argument and would submit that out of 17 witnesses, 8 witnesses have already been examined and the trial has been commenced from 22.01.2015. It is not the case that the summons are not being issued to the witnesses and there has been a default on the part of the prosecution.
4. I have heard learned counsel appearing for the parties, perused the order and the documents placed before this Court.
5. Perusal of the order sheet would show that on 16.04.2015 and on few dates, the prosecution witness is not present, however, subsequently the attendance of the prosecution witness were procured and the evidence is being conducted and out of 17 witnesses, 8 witnesses have already been examined.
6. Perusal of the order sheet further shows that it is not a case wherein the provisions of Section 437(6) has to be invoked. Considering the period of time and number of witnesses and taking into the gravity of the charges, I am not inclined to interfere in this case. However, the trial Court is directed to expedite the trial and complete it within a further period of one year.
7. With such direction, the petition stands disposed off.

Sd/-  
**(Goutam Bhaduri)**  
JUDGE