

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 180 of 2016

Karan Soni (Sonkar) S/o Ramesh Sonkar, aged about 25 years, R/o Dayalband, Nariyal Kothi, PS City Kotwali, Tehsil Bilaspur, Civil and Revenue District Bilaspur (CG).

---- Petitioner

Versus

State Of Chhattisgarh Through District Magistrate, Raigarh, Civil and Revenue District Raigarh (CG).

---- Respondent

For Petitioner	Shri Sarfaraz Khan, Advocate.
For Respondent/State	Ms. Madhunisha Singh, Panel Lawyer.

Hon'ble Shri Justice P.Sam Koshy

Order On Board

11/05/2016

1. This petition under Section 482 Cr.PC has been filed challenging the order dated 05.01.2016 passed by the Special Judge (Atrocities), Raigarh, in Criminal Revision No.126 of 2015 whereby the revisional court has rejected the revision preferred against the order dated 04.12.2015 passed by the Judicial Magistrate First Class, Raigarh in Criminal Case No.350 of 2010.
2. The two courts below have rejected the application of the petitioner filed under Section 437(6) Cr.P.C.
3. Learned counsel appearing for the petitioner submits that the petitioner is in jail since 12.06.2015 and trial is being unnecessarily delayed on behalf of the prosecution as till now out of 21 only 3 witness have been examined and thereafter no witness has appeared before the court below for examination. Therefore, the present petitioner may be granted advantage of provisions under Section 437(6) Cr.P.C.

4. On the other hand, learned counsel appearing for the State opposes the petition on the ground that the nature of allegation levelled against the petitioner is serious and the charges against the accused is under Sections 457,380 and 411 IPC.
5. Considering the total facts and circumstances of the case, this court is not inclined to grant bail to the petitioner under Section 437(6) Cr.P.C. at this juncture. However, the trial court is directed to ensure that trial itself is concluded at the earliest by invoking all the provisions of Cr.P.C. for calling upon the witnesses and to decide the matter as far as possible.
6. With the aforesaid observations, the petition stands finally disposed of.

Sd/-

(P. Sam Koshy)
JUDGE

inder