

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Cr.M.P. No. 707 of 2016**

1. Baleshwar Rajwade S/o Kulbul Rajwade, aged about 28 years, Caste- Rajwade
 2. Chunnu Lal Rajwade S/o Kulbul Rajwade, aged about 37 years
- Both are resident of village and Post Kamalpur, PS Bishrampur, Tehsil Surajpur, Revenue and Civil District Surajpur, CG

---- Petitioners**Versus**

1. State of Chhattisgarh through Station House Officer, Bishrampur, Revenue & Civil District Surajpur, CG
2. Ramnath Rajwade S/o Lilsai Rajwade, aged about 38 years, R/o village and Post Kamalpur, PS Bishrampur, Tehsil Surajpur, Revenue and Civil District Surajpur, CG
3. Larang Sai Rajwade S/o Lilsai Rajwade, aged about 45 years, R/o village and Post Kamalpur, PS Bishrampur, Tehsil Surajpur, Revenue and Civil District Surajpur, CG

---- Respondents

For Petitioners	:	Shri Surfaraj Khan, Advocate
For Respondent/State	:	Shri Rajendra Tripathi, P.L

Hon'ble Shri Justice P. Sam Koshy**Order On Board****08/07/2016**

The present petition has been filed by the petitioners seeking for a limited prayer of a direction to the Court below for ensuring that the trial which is pending against the petitioners may be concluded at the earliest.

2. Counsel for the petitioners submits the present petitioners along with respondents 2 & 3 are accused in S. T. No.103/14 pending before the 3rd Additional Sessions Judge, Surjpur for the offence punishable under Sections 460 and 302/34 of IPC. According to the counsel for the petitioners, the petitioners are in jail since 21.03.2014 i.e. they have already remained in jail for about 2 ½ years whereas the two co-accused persons are on bail who are trying to delay the trial on some reason or the other and the petitioners are languishing in jail for no fault on their part. He

submits that this Court while rejecting the bail applications of the petitioners on 06.04.2015 in M.Cr.C. No.1197/2015 and again on 15.01.2016 in M.Cr.C. No.180/2016 had directed the Court below for ensuring a speedy trial for disposal of the case yet the matter is not concluded till now. He further submits that the prosecution witnesses have already been examined and the examination of the accused under Section 313 CrPC has already been conducted. However, subsequently, at the request of the two other co-accused persons, the matter is again kept for re-examination of the accused under Section 313 of CrPC which would further prolong the proceeding. Therefore, counsel for the petitioners prays that a direction may be issued to the Court below not to permit unnecessary adjournments to the co-accused persons who are on bail and to conclude the trial at the earliest.

3. State counsel though does not have any formal objection to the petition, however, he submits that the Court below is proceeding with the trial fast and that now the matter is fixed for recording of evidence of the accused under Section 313 CrPC and there is all possibility that the matter shall be concluded at the earliest.

4. In view of the aforesaid facts and circumstances of the case, without entering into the merit of the case, this Court is of the opinion that the ends of justice would meet if the present petition is disposed of with a direction to the Court below for ensuring that the matter be disposed of at the earliest without granting unnecessary adjournments to the accused persons on lame excuses.

5. With the aforesaid observations, the instant Cr.M.P. stands disposed of.

Sd/-

(P. Sam Koshy)
JUDGE