

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Cr.M.P No.857 of 2016**

Satyendra Nath Tailor S/o Mr. Jagannath Tailor Aged About 50 Years R/o House No. 26, Dream Homes, Ganga Nagar, Amlideeh, Thana Rajendra Nagar, District Raipur, Chhattisgarh.

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

State Of Chhattisgarh Through Station House Officer, Police Station Khamtarai, District Raipur, Chhattisgarh.

-----**Respondent**

For Petitioner:	Shri BD Guru, Advocate.
For Respondent/State:	Shri Vaibhav Goverdhan, Panel Lawyer.

Single Bench: **Hon'ble Shri P. Sam Koshy, J**
Order On Board

12.8.2016

1. The present Petition has been preferred under Section 482 Cr.P.C for grant of relief to the Petitioner under Section 437(6) Cr.P.C
2. Learned Counsel for the Petitioner submits that the Petitioner has been made accused in Crime No.431/2014 registered at P.S Khamtarai, Raipur wherein the Petitioner has been charged for the offences under Sections 420, 467, 468, 471, 120-B, 201 and 409 IPC. He further submits that it is a case where the charge sheet was filed on 28.11.2015 and the charges have been framed by the Court below on 26.3.2016. However, though more than 60 days have passed, not a single witness has been examined and there is no likelihood of an early disposal of the trial at the pace at which the trial is proceeding at present therefore, the Petitioner may be granted an advantage of the provision of 437(6) Cr.P.C
3. On the other hand, counsel for the State however opposing the Petition

submits that since the charge itself was framed only on 26.3.2016, which is less than about 3 months' time, it cannot be said to be a case of inordinate delay in the conducting of the trial and that the prosecution ought to have been granted some time for conclusion of the trial. He also points out that it appears that the framing of charge has been questioned by some other Petitioners before the Sessions Court and perhaps the records also appear to be not available with the Trial Court, which may also cause the delay.

4. In the given facts and circumstances of the case, this Court is of the opinion that no strong case has been made out for granting the benefit of the Petitioner under Section 437(6) Cr.P.C and therefore, the Petition deserves to be and is accordingly rejected.

5. However, the Court below is directed to take all possible steps for speedy and expeditious trial.

Sd/-
(P. Sam Koshy)
JUDGE