

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRIMINAL MISC. PETITION NO. 1015 OF 2016

Jai Singh Painkra S/o Budhan Sai Painkra (wrongly mentioned as Sudhan Sai Painkra in the impugned order), aged about 55 years, R/o Amatoli, Police Chowki- Kotba, Police Station- Bagbahar, Tahsil- Patthalgaon, District- Jashpur (C.G.)

... Petitioner

Versus

State of Chhattisgarh, through the Station House Officer, Police Station Bagbahar, District Jashpur (C.G.)

... Respondent

For Petitioner	:	Mr. J.K. Saxena, Advocate.
For Respondent-State	:	Mr. U.K.S. Chandel, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

16/09/2016

1. The present petition under Section 482 of CrPC has been preferred by the Petitioner assailing the order dated 8.8.2016 passed in Criminal Revision No. 9 of 2016 whereby the Additional Sessions Judge, Kunkuri, District Jashpur has rejected the revision preferred by the Petitioner against the rejection of his application filed under Section 437(6) of CrPC by the Judicial Magistrate First Class, Patthalgaon in Criminal Case No. 260 of 2015, dated 21.6.2016.

2. Shri J.K. Saxena, learned Counsel for the Petitioner, submits that the charge in the instant case has been framed against the Petitioner for the offence under Section 409, 420, 120-B, 34 of IPC on 5.10.2015. He further submits that after framing of charge the case was fixed for the first time on 14.10.2015 and till now the evidence of the prosecution has not been completed in spite of many opportunities being granted to them and therefore prays that the Petitioner may be released on bail invoking the provisions of Section 437(6) of CrPC.

3. Shri U.K.S. Chandel, learned Counsel for the State, however opposes the petition and submits that it is case where the trial is proceeding at a very fast pace as is evident from the statement of the Counsel for the Petitioner inasmuch as 11 out of 15 witnesses have already been examined and only 4 more witnesses are yet to be examined and they would also be examined at the earliest and therefore there is no strong case made out for release of the Petitioner on bail invoking the provisions of Section 437(6) of CrPC.

4. Having heard the learned Counsel for the parties and taking into consideration the total facts and circumstances of the case particularly taking into account the fact that 11 out of 15 witnesses have already been examined, this Court is of the opinion that it is a case where there is no inordinate delay on the part of the prosecution in adducing the evidence in the instant case and that the two Court below have not committed any illegality or infirmity while rejecting the application under Section 437(6) of CrPC.

5. Accordingly, the petition is dismissed being totally devoid of merits. However, it is expected that the Trial Court shall make all endeavours for conclusion of the trial as expeditiously as possible.

Sd/-

(P. Sam Koshy)
Judge