

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Cr.M.P. No. 1245 of 2016**

Mukesh Mahant S/o Shri Bhagwan Das Mahant, aged about 23 years, R/o Kudumkela, PS and Tahsil Gharghoda, District Raigarh, Chhattisgarh.

---- Petitioner**Versus**

State of Chhattisgarh through District Magistrate, Raigarh, Chhattisgarh

---- Respondent

For Petitioner	:	Shri Ishwar Jaiswal on behalf of Shri Abhishek Saraf, Advocate
For Respondent/State	:	Smt. M. Asha, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy**Order On Board****24/11/2016**

The present petition has been filed against the order dated 26.10.2016 passed by the Sessions Judge, Raigarh in Criminal Revision No. 135/2016. The Revisional Court vide the impugned order has rejected the revision petition upholding the order dated 26.09.2016 passed by the JMFC, Gharghoda, District Raigarh in Criminal Case No. 69/2016 rejecting the application under Section 437 (6) of CrPC preferred by the petitioner.

2. It is pertinent to mention that the petitioner is being prosecuted for the offence under Sections 420/34, 467/34, 468/34, 471/34 & 120B/34 of IPC.

3. Counsel for the petitioner submits that the first date for evidence of the prosecution witnesses was fixed on 21.06.2016 and by now only three witnesses have been examined by the prosecution out of the total 12 cited witnesses. He submits that the petitioner is in jail for over a period of one

year and therefore he should have granted the benefit of Section 437 (6) of IPC.

4. However, State counsel opposes the petition and submits that it is a case where the first date for evidence of the prosecution witness was fixed on 21.06.2016 and within a short span of four months time three witnesses have already been examined and nine witnesses are left to be examined. Therefore, it cannot be said that there is any inordinate delay on the part of the prosecution in concluding the trial.

5. Taking into consideration the fact that from 21.06.2016 till now 3 witnesses have been examined by the prosecution out of the total 12 witnesses and therefore, it cannot be said that the prosecution is causing delay unnecessarily in concluding the trial neither has there been a case of inordinate delay made out by the petitioner for invoking the provisions under Section 437 (6) of CrPC.

6. In the given facts and circumstances of the case, this Court does not find any strong case made out for grant of bail to the petitioner granting him the benefit of Section 437 (6) CrPC.

7. Thus, the present CrMP being devoid of merit deserves to be and is accordingly dismissed.

Sd/-
(P. Sam Koshy)
JUDGE