

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Misc. Petition No.1141 of 2016

1. Mahendra Katariya son of late Donger Chandra Jain, aged about 55 years, Main Road Keshkal, PS Keshkal, District Kondagaon (CG).
2. Radhe Shyam Nag son of Bhagirathi Nag, aged about 56 years, R/o village Hat Kongera, Krishi Upaj Mandi Keshkal, District Kondagaon (CG).

... Petitioners

Versus

State of Chhattisgarh through Station House Officer, Police Station, Keshkal, District Kondagaon (CG).

... Respondent

For Appellants	:	Shri NK Chatterjee, Advocate.
For Respondent/State	:	Shri Ashish Shukla, Govt. Advocate and Shri SRJ Jaiswal, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

17.10.2016

1. This petition under Section 482 Cr.PC has been filed with a limited prayer for a direction to the trial court for expeditious conclusion of trial.
2. According to the petitioners, FIR was lodged as early as in the year 1999 in Crime No.53 of 1999 for the offence under Sections 409,420,467 and 468 IPC. However, charge in the present case could be framed only on 05.07.2008. It is said that, in between there was a change of court as earlier the matter was pending before the JMFC, Kondagaon and subsequently the matter has been transferred to JMFC, Keshkal, where the case has been registered as Criminal Case No.393 of 2009.

3. Counsel for the petitioners submits that for the last many years, the prosecution has not been able to adduce evidence and the matter is pending consideration for a long and unnecessarily the petitioners have to face the trauma of trial for no fault on their part. He further submits that taking into consideration the pace at which the trial is going on, it may take a considerable long period for its conclusion, and therefore, ends of justice would meet if this petition is disposed of with a direction to the court below to ensure presence of witnesses and to conclude the trial expeditiously.
4. Counsel appearing for the State has no objection to the said prayer, however, he submits that court below is trying to conclude the trial expeditiously but because of circumstances particularly non-traceability of the prosecution witnesses, the trial is getting delayed.
5. In view of the aforesaid facts and circumstances of the case, this court is of the opinion that ends of justice would meet if this petition is disposed of with a direction to the court below for proceeding with the case on priority basis and if possible for taking up the matter at regular interval without granting long adjournment. So far as, the witnesses not being present before the court is concerned, the trial court is directed to ensure the presence of those witnesses by invoking all the powers conferred upon the court under the provisions of Cr.P.C..The court may also issue suitable instructions to the concerned Superintendent of Police seeking assistance for the presence of prosecution witnesses before the court on the respective dates fixed for their evidence.

6. Accordingly, the petition is allowed. It is directed that the court below shall ensure the presence of witnesses and conclude the trial as expeditiously as possible preferably within a period of six months from the next date of hearing fixed by the trial court.

Sd/-
(P. Sam Koshy)
Judge

inder