

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 167 of 2016

Roshan Ali S/o Koushar Ali, aged about 27 years, occupation, Labourer, R/o village Saria, PS and Tehsil Baramkela, District Raigarh, at present R/o Sindhi Colony, near Sarla Villa PS Chakradhar Nagar, Raigarh, Tehsil Raigarh, Civil and Revenue District Raigarh (CG).

---- Petitioner

Versus

State Of Chhattisgarh Through District Magistrate, Raigarh (CG).

---- Respondent

For Petitioner	Shri Abhishek Saraf, Advocate.
For Respondent/State	Ms. Smita Ghai, Panel Lawyer.

Hon'ble Shri Justice P.Sam Koshy

Order On Board

11/05/2016

1. This petition under Section 482 Cr.PC has been filed challenging the order dated 30.11.2015 passed by the Second Additional Sessions Judge, Raigarh, in Criminal Revision No.112 of 2015 whereby the revisional court has rejected the revision preferred against the order dated 30.10.2015 passed by the Chief Judicial Magistrate, Raigarh in Criminal Case No.509 of 2015.
2. The two courts below have rejected the application of the petitioner filed under Section 437(6) Cr.P.C.
3. Learned counsel appearing for the petitioner submits that the petitioner is in jail since 21.04.2015 and trial is being unnecessarily delayed on behalf of the prosecution as till now only one witness has been examined on 11.12.2015 out of eleven witnesses and thereafter no witness has appeared before the court below for examination. Therefore, the present petitioner may be granted advantage of provisions under Section 437(6) Cr.P.C.

4. On the other hand, learned counsel appearing for the State opposes the petition on the ground that the nature of allegation levelled against the petitioner is serious and the charge against the accused is one under Section 408 IPC.
5. Considering the total facts and circumstances of the case, this court is not inclined to grant bail to the petitioner under Section 437(6) Cr.P.C. at this juncture. However, the trial court is directed to ensure that trial itself is concluded at the earliest by invoking all the provisions of Cr.P.C. for calling upon the witnesses and to decide the matter as far as possible.
6. With the aforesaid observations, the petition stands finally disposed of.

Sd/-

(P.Sam Koshy)

JUDGE

inder