

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRIMINAL MISC. PETITION NO. 1046 OF 2015

1. Smt. Rupmati Netam, W/o Lamboder Netam, aged about 35 years, at present working as Sarpanch Gram Panchayat Mulmula, R/o Village Mulmula, Tahsil and District Kondagaon (C.G.)

2. Purendra Kaushik, S/o Kantilal Kaushik, aged about 28 years, at present working as a Secretary of Gram Panchayat Mulmula, Tahsil and District Kondagaon (C.G.)

... Petitioners

Versus

State of Chhattisgarh, through the Police Station Kondagaon, District Kondagaon (C.G.)

... Respondent

For Petitioners	:	Mr. Vishnu Koshta, Advocate.
For Respondent-State	:	Ms. M. Asha, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

22/08/2016

1. The present petition under Section 482 of CrPC has been filed by the Petitioners against the order dated 10.9.2015 passed by the Chief Judicial Magistrate, Kondagaon in Criminal Case No. 39 of 2015, whereby the learned Magistrate has rejected the application of the Petitioners filed under Section 437(6) of CrPC.

2. Learned Counsel for the Petitioners submits that in the present case the Petitioners have been charged for the offence punishable under Sections 420, 409, 467, 468, 471/34 of IPC. He further submits that the Petitioners are in jail since 31.1.2015 and as such they have remained in jail for a period of more than 1½ years. He next submitted that in all the prosecution has cited about 42 witnesses and out of which the prosecution till the filing of the present petition had examined two out of 42 witnesses and subsequently recently three more witnesses have been examined i.e.,

in all five witnesses have been examined out of 42 and at the given pace there is no likelihood of an early conclusion of the trial and therefore the Petitioners may be released on bail invoking the provisions of Section 437(6) of CrPC.

3. Learned Counsel for the State however opposing the petition submits that the Petitioners are the main accused persons and at this juncture it would not be proper to release them on bail. She further submits that from the order-sheets and the submissions made by the Counsel for the Petitioners it reveals that subsequent to the filing of the present petition also three more witnesses have been examined and this shows that the trial has started progressing.

4. Having considered the submissions put forth on behalf of either side, this Court is of the opinion that the ends of justice would meet if the Trial Court is directed to conclude the trial at the earliest. It is further expected that the Trial Court shall use all powers conferred upon it under the provisions of law for keeping the presence of the witnesses before the Court so that the trial can be concluded at the earliest. If possible, the Trial Court can also issue appropriate directions in this regard to the concerned Superintendent of Police for keeping the witnesses present.

5. With the aforesaid directions/observations, the Criminal Misc. Petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge