

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRIMINAL MISC. PETITION NO. 945 OF 2016

Sarad Bhriegu S/o Late Shri Shivkumar Bhriegu, aged about 48 years, R/o Gandhi Mandir Ward, Bhatapara, Tahsil Bhatapara, Police Station Bhatapara (City), District Balodabazar-Bhatapara (C.G.)

... Petitioner

Versus

State of Chhattisgarh, through the District Magistrate, Balodabazar-Bhatapara (C.G.)

... Respondent

For Petitioner	:	Mr. B.D. Guru, Advocate.
For Respondent-State	:	Mr. V.A. Goverdhan, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

02/09/2016

1. The present petition under Section 482 of CrPC has been filed by the Petitioner challenging the order dated 11.8.2016 passed by the Additional Sessions Judge, Bhatapara in Criminal Revision No. H-27/16, whereby the said Revisional Court affirming the order dated 21.7.2016 passed by the Judicial Magistrate First Class, Bhatapara in Criminal Case No. S-35/16 has rejected the application preferred by the present Petitioner under Section 437(6) of CrPC.

2. Learned Counsel for the Petitioner submits that he is in jail since 4.12.2015 for having committed the offence under Sections 420, 409 and 406 of IPC. He further submits that the charges in the instant case were framed on 2.5.2016 and the first date for adducing of the evidence was on 16.5.2016. Since 16.5.2016 the prosecution had been granted 17 opportunities in between till 21.7.2016, but the prosecution could adduce only one witness and at the given pace there is no likelihood of the trial

itself being concluded at the earliest and therefore under the provisions of Section 437(6) of CrPC, the Petitioner may be released on bail.

3. Learned Counsel for the State however opposes the petition on the ground that the Petitioner has approached this Court too early as it is only on 16.5.2016 that the matter was fixed for evidence for the first time and it is barely three months' time and therefore it cannot be said to be a case where there is an inordinate delay in conducting the trial.

4. Having considered the rival contentions put forth on either side and on perusal of the entire record, this Court is of the opinion that ends of justice would meet if the present petition itself is disposed of with a direction to the Court below for proceeding with the trial and to conclude the same as expeditiously as possible. It has been informed at the bar that most of the witnesses are government officers. Therefore, it is expected that the Court below shall take all the powers conferred upon it so as to intimate the higher authorities in the department for directing the concerned witnesses to be present on respective dates of their evidence.

5. With the aforesaid directions/observations, the petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge