

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRIMINAL MISC. PETITION NO. 1303 OF 2016

Bhupendra Sao, S/o Shri Bhagwan Das Mahant, aged about 23 years, R/o Raikera, P.S. & Tah. Gharghoda, District Raigarh, Civil and Revenue District Raigarh (C.G.)

... Petitioner

Versus

State of Chhattisgarh, through District Magistrate Raigarh, District Raigarh (C.G.)

... Respondent

For Petitioner	:	Mr. M.K. Sinha, Advocate.
For Respondent-State	:	Mr. S.R.J. Jaiswal, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

29/11/2016

1. The present petition under Section 482 of CrPC has been filed by the Petitioner seeking for invocation of the provisions of Section 437(6) of CrPC for grant of bail.
2. According to the Counsel for the Petitioner, he is in jail since for more than one year. However, on a query being put to the Counsel for the Petitioner as to when he was arrested, the Counsel could not give any answer. Likewise, Counsel for the Petitioner also in the petition has not been able to show as how many witnesses have been sought to be examined by the prosecution or how many of the total witnesses till now have been examined and which is the next date of hearing.
3. However, from the pleadings made in petition what reflects is that the charge in the instant case was framed only on 16.6.2016 and the first witnesses was examined on 21.6.2016 which is barely about 3-4 months back. This period by no stretch of imagination can be said to be an inordinate delayed period for exercising the provisions of Section 437(6) of CrPC by this Court particularly, when the petitioner-accused in the instant

case has been charged for having committed the offence under Sections 420/34, 467/34, 468/34, 471/34 and 120-B of IPC.

4. In the given factual background of the case, this Court does not find any strong ground made out for invoking the provisions of Section 437(6) of CrPC.

5. The present Criminal Misc. Petition is accordingly dismissed. However, it is expected that the Court below shall make all endeavours for a speedy and expeditious trial and shall also exercise the powers under it for keeping the presence of the witnesses.

/sharad/

Sd/-
(P. Sam Koshy)
Judge