

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 1336 of 2016

- Ramanuj Singh Thakur S/o Late Shri Chhanu Singh Thakur Aged About 54 Years R/o Behind Registry Office Bhatapara, Police Station Bhatapara, District Baloda Bazar, Chhattisgarh.

---- Petitioner

Versus

- State Of Chhattisgarh Through District Magistrate, Baloda Bazar, District Baloda Bazar, Chhattisgarh.

---- Respondent

For Petitioner

Mr. P.P. Sahu, Advocate

For Respondent /State

Mr. Ramakant Mishra, Dy. AG

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

15/12/2016

1. Heard.
2. The petitioner is aggrieved by the order passed by the Additional Sessions Judge, Bhatapara, District Baloda Bazar dismissing the criminal revision preferred by him, which in turn, was against the order dated 22.08.2016 passed by the JMFC, Bhatapara in Criminal Case No.S-200/2016, dismissing his application for release on bail under Section 437(6) of Cr.P.C.

3. It is argued that the trial was fixed for recording evidence for the first time on 16.06.2016. However, neither on the said date nor on three further dates, any witness was examined. The first witness was examined on 08.08.2016, but once again on 22.08.2016, the prosecution witnesses were not present, therefore, since trial has not been completed within 60 days from the date of its commencement, the applicant is entitled for bail.
4. The facts of the case, briefly stated, are that on 17.11.2015, a written complaint was lodged by the District Marketing Officer, Baloda Bazar to the effect that during the period from 10.12.2014 to 12.09.2015, the applicant, who was working as Incharge, Paddy Procurement Centre, had shown loss of 88,707.29 quintals of paddy amounting to Rs.14,10,44,575/-. It was also alleged in the complaint that while supplying the paddy to the rice millers for custom milling instead of giving them thick paddy, fine paddy was supplied to them, which was costlier and certain delivery orders were not given to different millers, but the paddy was supplied to them. When stock in the Internet was verified, it did not tally and the criminality was detected.
5. The jurisdiction under Section 437(6) of Cr.P.C. is not to be exercised in abstract terms without considering the seriousness of the offence. If in a given case, the accused appears to have committed serious offence and the prosecution has also tried its best to commence the evidence, the jurisdiction need not be invoked in a routine and mechanical manner.

6. Considering the nature of jurisdiction and the seriousness of the offence/enormity of the amount involved, this Court is not inclined to entertain this petition, which fails and is hereby dismissed.

Sd/-

Judge

(Prashant Kumar Mishra)

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