

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WP (227) No.193 of 2017**

Nilesh Patel (NRI) S/o Late Shri Harihar Bhai Patel, aged about 50 years, R/o Sagar Complex, infront of Press Complex, Indira Market, Police Station Durg, Tahsil and District Durg (CG)

---- Petitioner

Versus

1. State of Chhattisgarh, through the District Magistrate, Rajnandgaon, District Rajnandgaon (CG)
2. Narendra Singh @ Tinku Bhatiya S/o Surjit Singh, aged about 47 years, R/o Kailash Nagar, Rajnandgaon, District Rajnandgaon (CG)

---- Respondents

For Petitioner	:	Mr.T.K.Jha
For Respondent No.1	:	Mr.Vivek Sharma, G.A.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****17/3/2017**

Heard.

1. The petitioner herein is Non-Resident Indian and at his instance, criminal case has been registered against respondent No.2 herein.
2. Mr.T.K.Jha, learned counsel appearing for the petitioner, would submit that there is no substantial progress in the trial though charge-sheet has been filed long back and therefore, the trial Court be directed to expedite the trial in view of the judgment of the Supreme Court in the matter of **Hussain and another Vs. Union of India** (Criminal Appeal No.509 of 2017), decided on 9.3.2017.

3. On the other hand, Mr.Vivek Sharma, learned Government Advocate appearing for respondent No.1, would submit that offence has been registered by respondent No.1/State against respondent No.2, charge-sheet has been filed against him on 28.12.2013 and trial is pending before the jurisdictional criminal Court at Rajnandgaon. He would further submit that the prosecution is taking effective steps to expedite the trial.
4. I have heard learned counsel appearing for the parties and perused the documents appended with the writ petition.
5. In the matter of **Hussain** (supra), the Supreme Court has held as under:-

“27. To sum up:

(i) The High Courts may issue directions to subordinate courts that –

(a) Bail applications be disposed of normally within one week;

(b) Magisterial trials, where accused are in custody, be normally concluded within six months and sessions trials where accused are in custody be normally concluded within two years;

(c) Efforts be made to dispose of all cases which are five years old by the end of the year;

(d) As a supplement to Section 436A, but consistent with the spirit thereof, if an undertrial has completed period of custody in excess of the sentence likely to be awarded if conviction is recorded such undertrial must be released on personal bond. Such an assessment must be made by the concerned trial courts from time to time;

(e) The above timelines may be the touchstone for assessment of judicial performance in annual confidential reports.

(emphasis added)

(ii) The High Courts are requested to ensure that bail applications filed before them are decided as

far as possible within one month and criminal appeals where accused are in custody for more than five years are concluded at the earliest;

(iii) The High Courts may prepare, issue and monitor appropriate action plans for the subordinate courts;

(iv) The High Courts may monitor steps for speedy investigation and trials on administrative and judicial side from time to time;

(v) The High Courts may take such stringent measures as may be found necessary in the light of judgment of this Court in Ex. Captain Harish Uppal (supra)."

6. In view of above, the trial Court is directed to expedite the trial in terms of the judgment of the Supreme Court in **Hussain** (supra).
7. With the aforesaid observation, the writ petition finally stands disposed of.

Sd/-

(Sanjay K.Agrawal)
Judge

B/-