

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CR.M.P. No. 67 of 2014

State Of Chhattisgarh, Through : P. S. - Aamanaka, Distt. -Raipur C.G.

----Applicant

Versus

1. Ayodhya Prasad Jaiswal, S/o. Hiralal Jaiswal, Aged About 53 Years, R/o. MIG S-204, Phase-1, Kabirnagar, Raipur C.G.
2. Ajay Chandravanshi, S/o. Ramadhar Chandravanshi, Aged About 51 Years, R/o. MDs -132, Phase-1, Kabirnagar, Raipur C.G.

---- Respondents

For Applicant/State : Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

11/05/2017

1. Heard on application for grant of leave to appeal under Section 378(3) of the Code of Criminal Procedure, 1973.
2. A charge sheet was filed under Section 294, 325/34, 506-II of Indian Penal Code. The order of the trial Court would show that the case was pending since 13.02.2009 and on 22.07.2009 the case was fixed for evidence on 05.10.2009. Subsequently, thereafter, the case was fixed for 05.10.2009, then on 17.11.2009, 07.01.2010 and 25.02.2010, thereafter on 28.04.2010 and then 16.06.2010, thereafter, 21.07.2010, then 28.10.2010, 25.01.2011, 06.04.2011, 21.06.2011, 26.09.2011, 27.01.2012, 30.03.2012, 23.07.2012, 06.10.2012, 10.01.2013, 20.01.2013, 21.01.2013, 11.03.2013,

10.05.2013, 12.06.2013, 19.07.2013, 23.08.2013 and lastly on 08.10.2013.

3. Perusal of the order sheet would show that in the intermittent period summons could not be served to the witnesses and at certain point of time, the submission was made there are chances of compromise, however, witnesses did not turn up. In respect of service of summons to Arvind Chatterjee and Kalyan Das, warrant came back with an endorsement that they are out of station and one of the witness stays at Pune. The order sheet would show that each and every date the accused persons appeared before the Court.
4. Perusal of the application moved by the State do not show any reason as to why the summons could not be served from 2009 to 2013. Consequently, I do not find any sufficient reason and no explanation has been given by the State for non-appearance of the witnesses till date it's right to lead evidence was closed. Taking into the fact, no reasons exists to allow the application for leave to appeal filed U/s. 378(3) of Cr.P.C. and it is hereby dismissed.

Sd/-
(Goutam Bhaduri)
Judge