

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Misc. Petition No.223 of 2017

Vimal Karmakar S/o Shri Chandan Karmakar, aged about 21 years, R/o Shivnagar Mathpuraina, beside Ring Road No.1, Tikrapara, Raipur, Distt. Raipur (CG).

---- **Petitioner**

Versus

State of Chhattisgarh Through The District Magistrate, Raipur, Distt. Raipur (CG).

---- **Respondent**

For Petitioner
For Respondent/State

Shri Awadh Tripathi, Advocate.
Ms. M. Asha, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order On Board

17/02/2017

1. The present petition under Section 482 Cr.PC has been filed challenging the order dated 06.02.2017 passed by the Additional Sessions Judge, (Special Judge, CBI), Raipur, in Criminal Revision No.72 of 2017 whereby the revisional court has rejected the revision petition preferred against the order dated 08.11.2016 passed by the Judicial Magistrate First Class, Raipur, in Criminal Case No.18101 of 2015.
2. The two courts below have rejected the application and the revision of the petitioner filed under Section 437(6) Cr.P.C.
3. Learned counsel appearing for the petitioner submits that present is a case where the petitioner has been prosecuted for the offence under Sections 420,467,468,471,201 and 120-B IPC. Charge sheet in the instant case was filed on 17.11.2015 and the matter is presently at the stage of prosecution evidence.

4. According to him, trial is being unnecessarily delayed on behalf of the prosecution as till now only 6 witnesses have been examined out of 34 witnesses cited by the prosecution. He further submits that taking into consideration the pace at which the trial is going on, it may take a considerable long period for its conclusion and as the trial has not been concluded within 60 days and there is not direct evidence available against the petitioner, and therefore, the present petitioner may be granted advantage of provisions under Section 437(6) Cr.P.C.
5. On the other hand, learned counsel appearing for the State opposes the petition on the ground that no strong case is made out for invoking the extraordinary jurisdiction of this court under Section 482 CrPC for granting bail to the petitioner invoking the provisions of Section 437(6) CrPC. Two orders passed by the courts below are just, proper and legal.
6. Having heard the rival contentions put forth on either side and on perusal of record, what clearly reflects is the fact that charge was framed on 06.03.2016 and for the first time evidence was recorded on 08.04.2016 and during these period from 08.04.2016 till now the prosecution has already examined 6 witnesses out of total 34 witnesses. This itself is sufficient indication that prosecution is progressing fast. Last witness examined was Narayan whose evidence was stopped half way and thereafter he has not been able to appear before the court below for his cross examination, and therefore, evidence was not proceeding further.
7. Taking into consideration the fact that other accused persons are also in jail, this court at this juncture, is not inclined to entertain this petition.

The petition deserves to be and is hereby dismissed. However, taking into consideration the period of custody undergone by the petitioner, ends of justice would meet if the trial court is directed to proceed with the matter and make all endeavors for an early disposal of the case as expeditiously as possible.

Sd/-
(P. Sam Koshy)
Judge

inder