

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 881 of 2017

1. Nanhi Ram @ Babulal S/o Vidyanand Aged About 62 Years (Wrongly Mentioned As S/o Babulal) R/o Village Temer, Police Station Sakti, District Janjgir Champa Chhattisgarh.
2. Satyabhama Bai W/o Nanhi Ram @ Babulal Aged About 52 Years R/o Village Temer, Police Station Sakti, District Janjgir Champa Chhattisgarh.
3. Farendra S/o Nanhi Ram @ Babulal Aged About 28 Years R/o Village Temer, Police Station Sakti, District Janjgir Champa Chhattisgarh.
4. Umesh Kumar S/o Nanhi Ram @ Babulal Aged About 30 Years R/o Village Temer, Police Station Sakti, District Janjgir Champa Chhattisgarh.

---- Petitioners

Versus

State Of Chhattisgarh Through Police Station Sakti, District Janjgir Champa Chhattisgarh.

---- Respondent

For Petitioner	:	Shri Ishwar Jaiswal, Advocate.
For Respondent/State	:	Shri Neeraj Sharma, Deputy G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

20/07/2017

1. Heard.
2. This petition has been filed under Section 482 of the Code of Criminal Procedure praying this Court to exercise its inherent powers to quash the criminal proceedings against the petitioners.
3. It is submitted by counsel for the petitioners that Criminal Case No. 533/2015-State of Chhattisgarh vs. Nanhi Ram and Others, is pending before the Court of Judicial Magistrate First Class, Sakti District Janjgir Champa, Chhattisgarh since 11.04.2012. The charges were framed on 01.06.2012 and thereafter the case has been posted for examination of prosecution witnesses on numerous occasions, however, inspite of number of dates being given for examination of prosecution witnesses, till date not a single witness has been examined. It is on this ground a prayer has been made to quash the criminal proceedings and

acquit the petitioners from the charges against them.

4. Learned Counsel for the State submits that the prayer made in the petition has no substance. He submits that at the most, a suitable direction can be given for expeditious trial of the case and if this matter is disposed of with the said direction, then the State has no objection.
5. Considering the material on record, it appears that the Trial Court has not taken special initiative for ensuring the attendance of the witnesses before the Court as it seems that this case has been posted for examination of prosecution witnesses on numerous occasions but no specific interest has been taken by the Presiding Officer of the Court in monitoring the issuance of processes and service of processes. It is the duty of the Trial Court while conducting a trial that the orders passed for production of witnesses is not merely an order on paper, it has to be complied with and every effort has to be made to ensure that the compliance is made. Hence, it is directed that the Presiding Officer of the Trial Court shall make every effort to monitor the issuance of processes for production of witnesses and also to see that the services of processes are affected on the witnesses, and in case of any dereliction on the part of the agency responsible for service of notices, suitable action may also be taken against the concerned. The trial of the case may be concluded, as expeditiously as possible, preferably within a period of one year.
6. With the aforesaid directions and observations, this petition stands disposed of.

Sd/-

(Rajendra Chandra Singh Samant)
JUDGE