

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5715 of 2018

- Narottam S/o Lakhan Sahu Aged About 34 Years R/o- Village Kalangpur, P.S. Ranchirai, District- Balod, Chhattisgarh., District : Balod, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- S.H.O. Police Station Anda, District-Durg, Chhattisgarh., District : Durg, Chhattisgarh

---- Respondent

For Applicant	:	Shri Avinash Chand Sahu, Advocate
For Respondent/ State	:	Shri Lav Sharma, Panel Lawyer

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

10/08/2018

The third application for grant of bail has been repeated mainly on the ground of undue delay in trial.

Learned counsel for the applicant submits that the applicant is in jail since 26/05/2016 and it is more than two years that he is languishing in jail. Referring to the order sheets of the Trial Court, it is submitted that the trial is not proceeding with required pace. After going through the order sheets, this Court finds that trial is being delayed mainly because of non-appearance of prosecution witnesses.

Trial cannot be allowed to continue indefinitely. Where witnesses of the prosecution are not appearing, the Court is required to take appropriate measures which includes issuance of bailable warrant and if the witnesses are not turning up, to issue arrest warrant. No exception should be made on the ground that the witness is a Government Servant. It is unfortunate that despite bailable warrant, many witnesses including Government Servants are not turning up.

Trial Court to take appropriate steps for issuance of warrant to those witnesses who are not appearing and because of non-appearance of the witnesses, trial is being delayed. Trial Court is directed to expeditiously conclude the Trial and send the report after three months.

The bail application is accordingly disposed off.

Sd/-

**(Manindra Mohan Shrivastava)
Judge**