

HIGH COURT OF CHHATTISGARH AT BILASPUR**CRMP No. 2203 of 2019**

Gaurha Banjare S/o Shri Sahas Ram Banjare, Aged about 50 years,
R/o Village Kahpradih, P.S. Gidhoura – Tundra, Civil and Revenue
Distt. Balodabajar-Bhatapara, Chhattisgarh.

---Petitioner (in jail)

Versus

State of Chhattisgarh, Through the District Magistrate Balodabajar,
Distt. Balodabajar – Bhatapara, Chhattisgarh.

---- Respondent

For Petitioner	:	Mr. Abhijeet Mishra, Advocate
For State	:	Mr. Rahul Jha, Government Advocate

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

07/11/2019

1. The petitioner is facing trial for offence punishable under Section 420 of the IPC on the allegation made against him that he has taken ₹ 5,00,000/- on the pretext of providing job to the complainant namely Gajendra Prasad Sahu. Charge-sheet was filed on 29/04/2019 pursuant to which on 27/05/2019, charges were framed against the petitioner and fixed the case for evidence on 10/06/2019 but the evidence could not be completed within 60 days and the application under Section 437 (6) of the Cr.P.C. was filed by the petitioner but the same stood rejected by the trial Court and duly affirmed by the revisional Court against which this criminal miscellaneous petition under Section 482 of the Cr.P.C. has been preferred by the present petitioner.

2. Mr. Sunil Sahu would submit that the impugned order dated 16/09/2019 passed by the revisional Court duly affirming the order dated 19/08/2019 passed by the trial Court are totally unsustainable and bad in law. The petitioner ought to have released on bail extending the privilege of Section 437 (6) of the Cr.P.C. towards him.
3. Mr. Rahul Jha, learned State counsel would oppose the submissions made by learned counsel for the petitioner and would support the impugned order.
4. It is true that evidence could not be completed within 60 days from 10/06/2019 i.e. first date fixed by the trial Court for evidence of the prosecution, yet the trial Court has declined to extend the benefit of Section 437 (6) of the Cr.P.C. to the petitioner, considering the gravity of the offence with which the petitioner is charged with, that order is a purely discretionary order in exercise of discretion vested in law based on sound reasons which has also not been interfered with by the revisional Court. I do not find any perversity of illegality in the impugned order warranting interference under Section 482 of the Cr.P.C.
5. The Cr.M.P. deserves to be and is accordingly dismissed with no order as to cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge