

HIGH COURT OF CHHATTISGARH AT BILASPUR**CRMP No. 2233 of 2019**

1. Rahul @ Rajjan Tiwari, S/o Lalji Tiwari, Aged About 24 Years, R/o Village Segarwar, Post Office And Police Station- Naigadi, District : Rewa, Madhya Pradesh

---- Applicant**Versus**

1. State of Chhattisgarh Through The District Magistrate, Raipur, District : Raipur, Chhattisgarh

.....Respondents

For Applicant	:	None
For State	:	Mr. Ashutosh Mishra, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy**Order on Board****15.10.2019**

1. The present CRMP has been filed at the behest of the Chief Judicial Magistrate, Raipur through learned District Judge-Raipur seeking for extension of time in the conclusion of Criminal Case No. 3503 of 2012 Rahul @ Rajjan Tiwari vs. State of C.G. pending before the Court of CJM-Raipur.
2. The facts of the case is that in a criminal revision rejecting the application under Section 437 (6) of the CRPC was under challenge in the High Court by the petitioner under Section 482, registered as CRMP No. 844 /2013, this Court had disposed off the said CRMP on 18.09.2014 directing the trial court to decide the trial itself within a period of 6 months.
3. Since the trial could not be completed within a period of 6 months, the CJM had again sent a PUD to this Court seeking for further extension of

time, which was registered as CRMP No. 561 of 2018, which got disposed-off on 22.03.2018 granting 6 months of time to conclude the said trial within another 6 months.

4. Subsequently, another CRMP was filed ie., CRMP 2410 of 2018. On receipt of PUD from the Chief Judicial Magistrate seeking extension of time for conclusion of the trial. The said CRMP was also allowed by this Court by granting 4 months of time starting from 28.11.2018. However, the trial could not be concluded within the extended period of 4 months, and thereafter another PUD was sent by the CJM-Raipur seeking for further extension of time which was registered as CRMP No. 1073 of 2019, which also has been allowed by this Court by giving another extension of time for 4 months starting from 01.05.2019.
5. Thus in all, this Court by the original order dated 18.09.2014 and the subsequent orders dated 22.03.2018, 28.11.2018 and 01.05.2019 have in all granted more than 20 months of time to the trial court for concluding the trial. Unfortunately, the trial has still not been concluded. Again a fresh PUD has been sent for seeking extension of time.
6. The reasons expressed by the CJM for seeking extension of time is that on account of the accused being absconding inspite of repeated warrant of arrest being issued, he is not able to being arrested and the trial is getting delayed. Now, in the opinion of this Court, the said cannot be a ground for keeping the trial pending for an indefinite period, particularly when this High Court originally granted 6 months time on 18.09.2014 and thereafter have granted another 14 months of extended time by way of three separate orders of this Court.

7. Reluctantly though this Court is, however, compelled to grant another extension of time to the trial court to conclude the trial as expeditiously as possible.
8. Given the said facts, this Court further grants 6 months of time to the trial court to conclude the proceedings in accordance with law. In case, if the trial court is not able to conclude the trial in accordance with law within the further extended period of time, in spite of the accused deliberately misusing the bail that has been granted, the same shall be reflecting the inefficiency of the Police Department as also the trial judge for not concluding the matter expeditiously in spite of repeated extension of time being granted. It is expected that the concerned judicial officer shall take strong steps in conclusion of the trial within further extended period of 6 months of time starting from the next date fixed by the Trial Court.
9. With the aforesaid observation, CRMP stands allowed.

**Sd/-
(P. Sam Koshy)
Judge**