

HIGH COURT OF CHHATTISGARH, BILASPURCRMP No. 2682 of 2019

- Sheikh Aslam Raja S/o Shri Salamat Raja Aged About 27 Years R/o Gali No. 3, House Of Akram , Chaurasiya Colony, Behind Simiran City , Police Station Tikrapara Raipur , District Raipur Chhattisgarh

---- Petitioner/ Accused

Versus

- State Of Chhattisgarh Through Police Station Tikrapara , District Raipur Chhattisgarh.

---- Respondent

For Petitioner	:	Mr. Pushpendra Kumar Patel, Advocate
For State/ Respondent	:	Mrs. Astha Shukla, Panel Lawyer

Hon'ble Shri Justice Sanjay K. AgrawalOrder On Board13/12/2019

1. The petitioner herein, is facing trial for offence punishable under Section 420 read with Section 34 of Indian Penal Code, wherein he filed an application that since the trial could not be concluded within a period of 60 days from the date when the case was listed for evidence for the first time i.e. 29.04.2019, therefore he is entitled to be released on bail under Section 437(6) of the Code of Criminal Procedure (henceforth 'Cr.P.C.'). The said application moved by the petitioner was dismissed by learned trial Magistrate which was affirmed by the Revisional Court against which this petition under Section 482 of the Cr.P.C. has been preferred.

2. Mr. Pushpendra Kumar Patel, learned counsel for the petitioner submits that the trial could not be concluded within a period of 60 days

from the first date of evidence, therefore, the petitioner is entitled to be released on bail by setting aside the order of both the Courts below.

3. Learned State Counsel would oppose the submission made by him and would support the impugned order.

4. Taking into consideration the nature of allegation and conduct of the petitioner seeking adjournment on the date of evidence though the witness was present, learned trial Court has exercised discretion in rejecting the petitioner's application which has been affirmed by Revisional Court holding that the discretion has rightly been exercised by learned trial Magistrate, as such, I do not find any perversity or illegality in the impugned order warranting interference under Section 482 of the Cr.P.C.

5. The present petition under Section 482 of the Cr.P.C. deserves to be and is accordingly dismissed.

sd/-

(Sanjay K. Agrawal)
Judge