

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPCR No. 317 of 2021**

- Manish Agrawal S/o Ganesh Prasad Agrawal Aged About 44 Years R/o B/29 Sector-2, Devendra Nagar, District Raipur Chhattisgarh

---- Petitioner**Versus**

1. State of Chhattisgarh Through The Station House Officer, P. S. Moudhapara, District Raipur Chhattisgarh
2. The Superintendent of Police Raipur District Raipur Chhattisgarh
3. Narendra Agrawal S/o Late Chauthmal Agrawal Aged About 43 Years R/o Sakin Baijnath Para, P. S. Citi Kotwali, District Raipur Chhattisgarh
4. Lakshami Narayan Agrawal S/o Late Shankar Lal Agrawal Aged About 72 Years R/o Sakin Baijnath Para, P. S. Citi Kotwali, District Raipur Chhattisgarh
5. Yashvant Mishra S/o Shri Manbodh Prasad Mishra Aged About 53 Years R/o Sakin L. I. C. Colony Road, Mova Deputy Registrar, Deputy Registrar Office, Abhanpur, District Raipur Chhattisgarh
6. Mukesh Kumar Devangan S/o Late Shri Sakha Ram Devangan Aged About 32 Years R/o Sakin Ashwani Nagar, District Raipur Chhattisgarh
7. Ashish Kumar Goswami S/o Shri Amar Krishna Goswami Aged About 37 Years R/o E-8-9, Gaytri Nagar, Shankar Nagar, P. S. Telibandha, District Raipur Chhattisgarh

---- Respondents

For Petitioner	:	Shri Y.C. Sharma, Advocate.
For Respondents-State	:	Shri Gurudev Sharan, Government Advocate.

Hon'ble Shri Justice Narendra Kumar Vyas, Judge
Order on Board

10.06.2021

1. The Petitioner has filed this petition under Article 226 of the Constitution of India, mainly contending that the Petitioner is a complainant who has filed a complaint against Respondents No. 4 to 7 for committing offence under Sections 420, 419, 201, 467, 471, 120B, 34 of IPC in connection with Crime

No. 182/2010 at Police Station Moudhapara, District Raipur (C.G.). In pursuance of police complaint, FIR has been registered on 23.08.2010 under Sections 420, 120B, 34 of IPC.

2. The charge-sheet has been filed on 16.03.2011. Charges have been framed by the Trial Court against the Respondents No. 4 to 7 on 06.07.2018, as is evident from the copy of orders annexed with the writ petition. The learned Trial Court has prepared the trial programme also fixed the first date for evidence on 13.08.2018 thereafter, 14.08.2018 and 16.08.2018. After the framing of charges, the learned Trial Court has issued summons to the witnesses.
3. The learned counsel for the Petitioner further submits that only one witness has been examined and his cross-examination has not been concluded till today. He further submits that 35 witnesses have to be examined by the prosecution and he prayed that since he filed a complaint in the year 2010, even after lapse of 11 years, the trial has not reached to its logical end and he would pray that the learned Trial Court may be directed to expedite trial, it may be completed within a reasonable time period fixed by this Hon'ble Court.
4. The prayer seems to be just and proper. The trial is pending since 11 years and it has not been completed for the reasons which were beyond the control of the complainant as well as beyond the control of learned Judicial Magistrate First Class as the accused persons have filed revision petitions against the order passed by the learned Trial Court during the pendency of the trial, which is one of the reasons which has caused delay in completion of trial.
5. Be that at it may be, since the matter is quite old, it is well settled legal position that trial should be concluded within a specific time period so that

the persons who have committed offence may be punished and if they have not committed any offence, then they may be exonerated from facing the criminal trials, which is in the interest of the Complainants as well as the accused persons. This Court takes note of the fact that the entire world is undergoing Covid-19 pandemic situation, the justice dispensation system is also adversely affected because of the same. The Trial Courts are working in a difficult position. Considering this fact that the recording evidence has also been stopped for almost two years from March, 2020 till today.

6. Considering the over all situation, it is directed that the learned Trial Court should conclude the trial within one year from the date of restoration of normal functioning of the Trial Courts in the State of Chhattisgarh. It is made clear that no undue adjournment should be given to the accused persons and adjournment may be given only in unavoidable circumstances only.
7. This Court has not expressed any opinion on merits of the case pending before the trial Court and only the crux has been examined for issuing such direction.
8. With this aforesaid direction the present WPCR stands disposed off.

Sd/-

(Narendra Kumar Vyas)
Judge