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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-60329-2024
DATE OF DECISION: 02.12.2024

M/S MAYA PULP AND PAPERS PVT LTD
...PETITIONER

Versus

STATE OF PUNJAB AND ORS ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Vikasdeep Singh, Advocate for
Mr. Ashish Aggarwal, Advocate for the petitioner(s).

Mr. Jaspal Singh Guru, AAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

This petition has been filed under Section 528 of Bhartiya
Nagarik Suraksha Sanhita, 2023 for issuance of appropriate order or
direction to Judicial Magistrate 1st Class, Dera Bassi (Mohali) to
expedite the proceedings in the criminal complaint filed by the
petitioner/complainant against the respondents for the offences
punishable under Sections 420, 465, 467, 468, 471 and 120-B of IPC,
1860 vide case bearing number COMI-68-2016 titled as "M/s Maya
Pulp and Papers Pvt. Ltd. Vs. Harjit Kumar & Ors." and to decide the
same in a time bound manner after proper adjudication of the facts and
circumstances of the case.

After arguing for some time, learned counsel for the
petitioner prays for withdrawal of the present petition at this stage.

However, he submits that a direction be issued to trial Court to

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expedite the trial as the complaint was preferred on 17.08.2016 wherein there is no much progress despite lapse of more than 8 years. It is at the stage of evidence after summoning of the respondents.

3. This court cannot shut its eyes to the fact that "Speedy trial" and "fair trial" to a person accused of a crime are integral part of Article 21. There is, however, qualitative difference between the right to speedy trial and the accused's right of fair trial. Unlike the accused's right of fair trial, deprivation of the right to speedy trial does not per se prejudice the accused in defending himself. The right to speedy trial is in its very nature relative. It depends upon diverse circumstances. Each case of delay in conclusion of a criminal trial has to be seen in the facts and circumstances of such case. Mere lapse of several years since the commencement of prosecution by itself may not justify the discontinuance of prosecution or dismissal of indictment. The factors concerning the accused's right to speedy trial have to be weighed vis-a-vis the impact of the crime on society and the confidence of the people in judicial system. Speedy trial secures rights to an accused but it does not preclude the rights of public justice. The nature and gravity of crime, persons involved, social impact and societal needs must be weighed along with the right of the accused to speedy trial and if the balance tilts in favour of the former the long delay in conclusion of criminal trial should not operate against the continuation of prosecution and if the right of the accused in the facts and circumstances of the case and exigencies of situation tilts the balance in his favour, the prosecution may be brought to an end. These principles must apply as

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well when the appeal court is confronted with the question whether or not retrial of an accused should be ordered."

4. Further reliance can be placed upon the dictum of Apex court in '*Anokhilal v. State of Madhya Pradesh CRA-62-63 of 2014 SC*' wherein it has been held that "Expeditious disposal is undoubtedly required in criminal matters and that would naturally be part of guarantee of fair trial. However, the attempts to expedite the process should not be at the expense of the basic elements of fairness and the opportunity to the accused, on which postulates, the entire criminal administration of justice is founded. In the pursuit for expeditious disposal, the cause of justice must never be allowed to suffer or be sacrificed. What is paramount is the cause of justice and keeping the basic ingredients which secure that as a core idea and ideal, the process may be expedited, but fast tracking of process must never ever result in burying the cause of justice".

5. In view of the discussions made hereinabove and however, keeping in view the stage of trial, this Court deems it appropriate to direct the trial court to expedite the proceedings and adjudicate the complaint within a period of one year from today.

6. Prayer is accepted.

7. Dismissed as withdrawn at this stage.

(SANDEEP MOUDGIL)
JUDGE

02.12.2024*anuradha**Whether speaking/reasoned**Yes/No**Whether reportable**Yes/No*