

1
IN THE HIGH COURT OF MADHYA PRADESH AT JABALPUR
BEFORE
HON'BLE SHRI JUSTICE VIVEK AGARWAL
ON THE 3rd OF MARCH, 2022

MISC. CRIMINAL CASE No. 7332 of 2022

Between:-

**RAMDAYAL CHARMKAR S/O JHALLE PRASAD
CHARMKAR , AGED ABOUT 42 YEARS,
OCCUPATION: LABOUR VILLAGE JANKAHAI,
P.S.JAWA (MADHYA PRADESH)**

.....PETITIONER

(BY SHRI BHUPENDRA MISHRA, ADVOCATE)

AND

**THE STATE OF MADHYA PRADESH THROUGH
P.S.JAWA P.S.JAWA (MADHYA PRADESH)**

.....RESPONDENTS

(BY SHRI ATUL DWIVEDI, PANEL LAWYER)

.....
*This forth bail application has come up for hearing on this day, the court
passed the following:*

ORDER

This is fourth application filed under Section 439 of the Code of Criminal Procedure, 1973 (for brevity "Cr.P.C") on behalf of applicant- SRamdayal Charmkar, S/o Jhalle Prasad Charmkar who is in custody since 18/09/2019 in connection with Crime No.26/2019 registered at Police Station Java, Distt. Rewa for the offence punishable under Section 302 of IPC.

This Court has perused explanation dated 23/02/2022 sent by Shri Yograj Upadhyay, learned Additional Sessions Judge, Teonthar, Distt. Rewa (MP).

This Court is not satisfied with the explanation. It appears that Additional Sessions Judge has not used his authority as per the provisions contained in the Code of Criminal Procedure and has not taken adequate steps to seek attendance of the witnesses and the seized property.

There *prima facie* appears to be a case of casual approach towards

the directions of Coordinate Bench of this Court dated 09/09/2021 passed in M.Cr.C. No.52344/2020 whereby a Coordinate Bench of this Court had directed learned trial Court to conclude the trial within five months.

Let trial be now concluded within a period of 30 days from the date of receipt of copy of this order being passed today i.e. on or before **8th April, 2022**, otherwise Presiding Officer will be liable to give explanation for delay of each and every day along with the fact that why he is shy of exercising his authority in terms of the provisions contained in the Code of Criminal Procedure.

At this stage, Shri Bhupendra Mishra, learned counsel counsel for the applicant, prays for withdrawal of this Court.

Accordingly, this M.Cr.C. is dismissed as withdrawn. However, trial Court is directed to conclude the trial on or before **8th April, 2022**.

Let a typed copy of this order be transmitted to the trial Court through Registry of this Court.

(VIVEK AGARWAL)
JUDGE