

Babu Lal Vs. State

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SooperKanoon Citation : sooperkanoon.com/760544

Court : Rajasthan

Decided On : Jul-01-2005

Reported in : RLW2005(3)Raj2207; 2005(4)WLC229

Judge : Narendra Kumar Jain, J.

Acts : [Narcotic Drugs and Psychotropic Substances Act, 1985](#) - Sections 8, 21 and 29; [Code of Criminal Procedure \(CrPC\), 1973](#) - Sections 439 and 482

Appeal No. : S.B. Criminal Misc. Petition No. 730 of 2005

Appellant : Babu Lal

Respondent : State

Advocate for Def. : B.L. Avasthi, Public Procecutor

Advocate for Pet/Ap. : Dinesh Singh, Adv.

Judgement :

Narendra Kumar Jain, J.

1. Heard learned counsel for the petitioner and the learned Public Prosecutor.
2. The petitioner has filed this petition under Section 482 Cr.P.C. with the following prayer:-

'(i) That this Hon'ble Court be pleased to quash the trial and proceedings of the Trial Court, discharging the petitioner on or alternatively to release the petitioner on bail under the provisions of law.(ii) Any other appropriate order or direction which the Hon'ble Court deems just and proper may kindly be passed in favour of the humble petitioner. Thus render justice.'

3. The petitioner is facing trial for the offence under Sections 8/21 and 8/29 of the NDPS Act, 1985.

4. The learned counsel for the petitioner submits that the petitioner is behind the bars for last about 14 months and only statements of two prosecution witnesses have been recorded so far. Therefore, trial against the petitioner itself may be quashed and he should be released forthwith.

5. The learned counsel for the petitioner does not dispute that bail application of the petitioner was considered by the Sessions Judge and also by this Court under Section 439 Cr.P.C. and the same were rejected. However, this fact about filing and rejection of bail applications has not been mentioned in this petition under Section 482 Cr.P.C.

6. After considering all the submissions of the learned counsel for the petitioner, I am of the opinion that this petition is a frivolous petition and no such prayer can be allowed under Section 482 Cr.P.C. on the ground of pendency of trial for 14 months. The object of Section 482 Cr.P.C. is to prevent the abuse of process of law but filing of this petition itself is an abuse of process of law. I do not see any illegality or irregularity or abuse of process of law in the proceedings of the Trial Court so as to invoke powers under Section 482 Cr.P.C.

7. In view of the above, I do not find any reason or ground to allow the prayer of petitioner under Section 482 Cr.P.C. The same is accordingly dismissed.