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Court : Rajasthan

Decided On : Feb-09-1994

Reported in : 1994(1)WLN64

Judge : R.S. Verma, J.

Appeal No. : S.B. Criminal Misc. Petition No. 47 of 1994

Appellant : Nar Singh Lal

Respondent : State of Rajasthan

Judgement :

R.S. Verma, J.

1. Shri S.M. Singhvi is present in Court and he is directed to accept notice. He accepts notice.
2. Heard learned Counsel for the parties finally at the admission stage itself.
3. Briefly stated the facts of the case are as under: An F.I.R. No. 377 dated 6.10.86 was registered at Police Station, Nagaur at the instance of Akshay Jain, Branch Manager of United Commercial Bank, Khivsar Branch. The allegation was that on 3.10.86 Rs. 1,75,000/- were sent to Nagaur Branch along with Nathu Lal Verma and Ram Chander. When the amount was deposited at Nagaur it was found to be short by Rs. 20,000/-. Upon this report investigation was commenced.

During investigation it was found that Nathu Lal Verma and Ram Chander had kept the box in the cabin of Narsingh Lal in Nagaur. This Narsingh Lal opened the box containing the cash and eventually aforesaid shortage was found. Consequently, the police filed challan against petitioner Narsingh Lal and submitted a report for release of Nathu Lal Verma and Ram Chander under the provisions of Section 169 Cr.P.C. It appears that the trial against petitioner commenced after framing due charges. The petitioner pleaded not guilty and claimed trial. The prosecution examined 23 witnesses and the prosecution evidence was closed on 23.7.93. On 9.12.93, the statement of the accused petitioner was recorded. He led some evidence in defence. The case was finally heard. By the impugned order, the learned trial Judge took cognizance against Nathu Lal Verma and Ram Chander for offences under Section 408 and 120B and issued bailable warrants in sum of Rs. 5000/- to secure their presence.

4. Learned Counsel for the petitioner submits that trial against Nathu Lal Verma and Ram Chander will take a long time. The petitioner has already undergone the agony of protracted trial since 6.10.86 and, therefore, the learned trial court may be directed to decide the case of the petitioner separately from that of newly added accused person.

5. Shri S.M. Singhvi, learned Public Prosecutor supports the request of the petitioner and finds himself unable to support the order of the learned trial Magistrate so far as continuation of trial of the petitioner with newly added co-accused is concerned.

6. In my opinion, the learned P.P. is absolutely right that the case against the present petitioner should be concluded and taken to its logical end, particularly when the prosecution has led its entire evidence and the defence has also led evidence and the arguments had been heard. Joining of new two accused persons and continuation of a joint trial will result in grave hardship to the present petitioner and may cause serious prejudice to him.

7. Speedy trial is the sine qua non of a fair criminal trial. Justice delayed is justice denied. In my opinion, it is a fit case where I must direct the learned trial Magistrate to conclude the trial against this petitioner separately from that of the

newly added accused persons. There is no legal impediment in doing so. He may very well try the newly added accused persons separately. He must complete the trial of the petitioner within a period of one month from the date he receives copy of this order. The order passed by the learned trial Magistrate dated 10.1.1994 is modified accordingly.

8. This Misc. Petition is disposed of, accordingly.

9. A copy of this order may be sent immediately to the learned trial Magistrate.

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