

Madanlal Vs. State of Rajasthan

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Court : Rajasthan

Decided On : May-03-2000

Reported in : 2000(2)WLN423

Judge : S.C. Mital, J.

Appeal No. : S.B. Cri. Misc. Pett. No. 109 of 2000

Appellant : Madanlal

Respondent : State of Rajasthan

Disposition : Petition allowed

Judgement :

S.C. Mital, J.

1. The petitioner is aggrieved by the continuation of the proceedings of the Cr. Case No. 125/85 (State v. Madanlal) under Section 7 read with 16 Prevention of Food Adulteration Act, 1954 pending in the court of Additional Chief Judicial Magistrate, Sojat City. It has been prayed that the proceedings may be quashed in the inherent exercise of the powers under Section 482 Cr. P.C. as it is violative of his right to speedy trial under Article 21 of the Constitution of India.

2. The brief facts are that a sample was taken on 14.10.1984 and the complaint was filed on 10.4.1985 on which order was passed to summon the accused

petitioner on 16.7.1985. The petitioner appeared in the court on 9.1.1986. The second sample was ordered to be sent to Central Food Laboratory. After number of adjournments as the concerned Clerk did not comply the order, ultimately the sample was despatched to the Central Food Laboratory on 23.8.1989. The report was received on 14.3.1989 and the case was fixed for recording the statement of prosecution witness Sanwal Singh on 21.5.1990. For one or the other reason the case was adjourned several times and ultimately the witness Sanwal Singh was examined on 20.6.1998. The charge was framed on 15.5.1999 and now the case is pending for recording the prosecution evidence. But the witnesses are not appearing though summons have been issued.

3. The learned Counsel for the petitioner has contended that the petitioner is regularly attending the court for over 16 years and only the charge has been framed on 15.5.1999 i.e. after almost 15 years of the institution of the proceedings. This inordinate delay in trial is violative of the principle of speedy trial, which is now considered as fundamental right under Article 21 of the Constitution of India. Even now the proceedings are liable to continue for pretty long time. The petitioner has suffered a lot by way of mental agony and physical suffering as well as financially. The learned Public Prosecutor opposed the contention and pleaded that the trial court may be directed to complete the trial within a specific time frame fixed by this Court.

4. I have given my careful consideration to the rival contentions. It is evident from the perusal of the order sheets that the case is pending for the last 13 years at the stage of framing of the charge and thereafter for recording the prosecution evidence due to non-appearance of the witnesses despite issue of the processes number of times. Sanwal Singh P.W. 1 could not be examined for want of record with the court. The petitioner is regularly attending the court and has not at all in any manner contributed to the protracted trial. It may be said that the case was adjourned without any sense of urgency or expeditious trial even after the case became old one of more than five years. I am inclined to agree with the learned Counsel that it has infringed the petitioner's right to speedy trial and the proceedings should be quashed in interest of justice.

5. In the result, the petition is allowed. Proceedings of the Cr. Case No. 125/85 pending against the petitioner in the court of Additional Chief Judicial Magistrate, Sojat City under Section 7 read with 16, Prevention of Food Adulteration Act are hereby quashed. The bail bonds stand discharged.

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