

M.Cr.C. No.6342/2012

30/09/2013

Shri Pradeep Gupta, learned Counsel for the applicant.

Shri Suraj Sharma, learned Counsel for the respondent/State.

Counsel for the applicant has vehemently urged the fact that the petition can be disposed of in simple direction to the trial Court. Counsel submitted that petition under Section 482 of the Cr.P.C. had been filed for quashing of the proceedings in respect of Criminal Case No.1037/2011 pending before the J.M.F.C., Indore.

Briefly stated the applicant is a foreign national belonging to the Republic of Yemen. He has out-lived his Visa granted to him in the year of 2002 and there is direct violation of Section 14 of the Foreigner Act, 1946. Counsel submitted that whether the violations have occurred or not is a matter of merit pending before the trial Court. And hence if the Court is not satisfied regarding the quashment of the proceedings, this Court is in the alternative be pleased to direct the trial Court to expedite the trial, which is pending for more than 10 years now.

Moreover, Counsel submitted that the applicant is in judicial custody in pursuance to the order passed by this Court and is presently residing in the Embassy of the Republic of Yemen D-25 Vasant Vihar, New Delhi and he prayed that the applicant should know his fate one way or the other; instead keeping the sword of Damocles occurs hanging over his head. He prayed that the

appropriate direction in the alternative be issued to the trial Court.

Counsel for the respondent/State, on the other hand, has opposed the submissions but has been unable to assist this Court regarding the nature of the proceedings or the date of proceedings pending in the trial Court.

In view of the above, in the interest of justice and welfare of the applicant, I find that the following order is necessary under the circumstances. It is, therefore, directed that the trial shall be completed within a period of six months from today after issuing proper notice to the applicant to remain present before the trial Court. No adjournment shall be granted to the either side. The trial be completed as directed and the intimation in writing to this Court. With the aforesaid direction the petition is **disposed of**.

Copy of this order be sent to the concerned trial Court, for compliance.

C.c. today.

(Mrs.S.R. Waghmare)
Judge