

**IN THE HIGH COURT OF MEGHALAYA
AT SHILLONG**

CRL. PETN. No. 35 of 2016

Shri Kinkar Paul,
S/o Shri Kiran Kanti Paul,
R/o House No. 50, Shankar Nagar,
Noonmati, Guwahati,
District :Kamrup (M),
Assam.

... Petitioner

- Versus -

1. The State of Meghalaya,
Represented by the Secretary,
Law Department,
Shillong, Meghalaya.

2. Smt Diparnita Paul,
W/o Shri Kinakar Paul,
R/o Lower Barapathar,
Shillong,
District: East Khasi Hills,
Meghalaya.

... Respondents

**BEFORE
HON'BLE MR JUSTICE VED PRAKASH VAISH**

Present

Mr. Z.A. Siddiqui	... Counsel for Petitioner
Mr. B.K. Deb Roy	... Counsel for Respondent No. 2
Date of Hearing	... 24.11.2016
Date of Order	... 24.11.2016

BY HON'BLE MR. JUSTICE V.P. VAISH (ORAL)

By way of the present petition under Section 482 of the Code of Criminal Procedure, 1973 (herein referred 'Cr.P.C.') the petitioner seeks directions to learned trial court to disposed of the petitioner's application under Section 127 Cr.P.C. expeditiously.

2. Briefly stated, the facts of the case giving rise to the present petition are that the respondent No. 2 herein namely, Smt Diparnita Paul filed a petition under Section-125 Cr.P.C. for grant of maintenance being C.R. Case No. 274 (S) of 2014 which is pending before the learned Chief Judicial Magistrate, Shillong. Alongwith the said petition respondent No. 2 also moved an application being Misc. Case No. 110 (S) of 2014 for interim maintenance. Vide order dated 08.07.2014, learned trial court directed the petitioner herein to pay an interim maintenance of Rs. 10,000/- p.m. from the date of filing the application. The petitioner challenged the said order by filing Criminal Revision which was dismissed by learned Sessions Judge, Shillong on 19.11.2014.

3. It is also stated that on 25.02.2015, the petitioner moved an application under Section 127 Cr.P.C. for alteration of the interim maintenance allowance and the said application is yet to be decided.

4. Learned counsel for the petitioner submits that the application under Section 127 Cr.P.C. filed by the petitioner is pending since long and has not been decided so far.

5. The only grievance of the petitioner is that the petitioner's application under Section 127 Cr.P.C. should be decided expeditiously.

6. Speedy Trial means a reasonable expeditiously trial which comply with all essentials of a trial. It is the essence of Justice System, and therefore, delay in trial by itself constitutes denial of justice. Speedy trial is not specifically enumerated as a fundamental right; it is implicit in the content of Article 21 of the Indian Constitution. The constitutional guarantee of speedy trial is an important safeguard to prevent undue and long delays.

7. Moreover, Mr. B.K. Deb Roy, learned counsel appearing on behalf of respondent No. 2 submits that he has no objection if the application under Section 127 Cr.P.C. is decided expeditiously.

8. Having considered the facts and circumstances of the case and submissions made by learned counsel for both the parties, it is deemed appropriate to dispose of the present petition with a direction that learned trial court will decide the petitioner's application under Section 127 Cr.P.C. at the earliest and preferably within a period of 3(three) months from today.

9. With the aforesaid observations, the present petition is disposed of. A copy of this order be sent to learned trial court immediately.

JUDGE

Dated, the 24th November, 2016

V. Lyndem