

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

CRL. PETN. No. 37 of 2016

Shri Vijay Kumar
S/o shri Baidnath Rai
R/o Accountant General Office
Quarter Complex, Motinagar,
Shillong,
District: East Khasi Hills,
Meghalaya.

... Petitioner

- Versus -

1. State of Meghalaya
Represented by the Secretary
Home (Police) Department
to the Government of Meghalaya.
2. Shri M.L. Marak,
Extra Assistant Commissioner,
East Khasi Hills District,
Shillong,
Meghalaya.

... Respondents

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

Present

Mr. M.F. Qureshi	...	Counsel for Petitioner
Mr. K. Barua	...	Counsel for Respondents
Date of Hearing	...	25.10.2016
Date of Order	...	25.10.2016

J U D G E M E N T

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

This is a petition under Section-482 of Criminal Procedure Code, 1973 seeking quashing of criminal case being G.R. Case No. 189 (S) of 2013 arising out of Shillong Sadar P.S. Case No. 59 (4) of 2012 under Section 420/468 IPC.

2. Briefly stating, the facts as set out in the petition are that respondent No. 2 Shri M.L. Marak, Extra Assistant Commissioner, East Khasi Hills District, Shillong lodged a complaint dated 11.04.2012, on the basis of the same F.I.R. being Shillong Sadar P.S. Case No. 59 (4) of 2012 under Section 420/468 I.P.C. was registered. On completion of investigation, Charge Sheet being C.S. Case No. 67/13 dated 14.05.2014 under Section-420/468 I.P.C. was filed. The said case is still pending.

3. Mr. M.F. Qureshi, learned counsel appearing on behalf of the petitioner submits that during investigation no incriminating document was found against the petitioner. It is also stated that nothing incriminating was recovered from the possession of the petitioner.

4. Learned counsel for petitioner also submitted that the petitioner is regularly appearing before the learned trial court and there was inordinate delay in framing of charges.

5. Learned counsel for petitioner has also pointed out that earlier the petitioner filed a petition for quashing of the criminal proceeding, bearing CRL. PETN. No. 4 of 2015, which was disposed of by this Court vide order dated 18.03.2015. This Court has observed that it is pertinent duty of the court to complete the trial expeditiously. According to learned counsel for the petitioner the trial is still pending.

6. During the course of arguments, Mr. M.F. Qureshi, learned counsel for petitioner submits that he does not press relief to the extent of quashing of G.R. Case No. 189 (S) of 2013, however, he submits that trial should be expedited.

7. Mr. K. Barua, learned counsel appearing on behalf of respondents submits that charges have been framed on 31.05.2016 and the matter is fixed for prosecution evidence.

8. I have carefully considered the submissions made by learned counsel for the petitioner as well as learned counsel for respondents.

9. 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. The legal basis of the right to speedy trial is justified on the strength of the Magna Carta which provides that justice or right will neither be sold nor denied or deferred to any man. The procedure prescribed by law for depriving a person of his liberty cannot be reasonably fair or just unless that procedure ensures a speedy trial for determination of the guilt of such person.

10. Justice is not one sided, it has many facets and a balance must be drawn between conflicting right and duties. While it is incumbent on the Court to see that guilty does not escape it is even more necessary to see that the persons accused of crime are not indefinitely harassed. It is pertinent to observe that, expeditious trial is part of human rights and basic freedoms from prolong harassment.

11. After considering the facts and circumstances of the case, this Court is not inclined to quash the G.R. Case No. 189 (S) of 2013. Even otherwise, learned counsel for petitioner has fairly submitted that he does not press the prayer to the extent of quashing the criminal proceeding.

12. In view of the facts and circumstances of the case and submissions made by learned counsel for both the parties, it is directed that learned trial court shall conclude persecution evidence as early as possible preferably within a period of 6(six) months from the next date of hearing and at the same time, the petitioner shall not seek any unnecessary adjournment. It is directed that trial court to fix short dates and to conclude the trial expeditiously. It is stated by counsel for the parties that next date of hearing is 09.11.2016 for prosecution evidence.

13. With the aforesaid observations the present petition stands disposed of.

14. A Copy of this order be sent to learned trial court immediately.

JUDGE

Dated, the 25th October, 2016

V. Lyndem