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**THE HIGH COURT OF MADHYA PRADESH**  
**MCRC-11144-2021**  
**Mansingh Kushwah Vs. State of MP**

**Gwalior, Dated : 27.02.2021**

Shri Nitin Sharma, Counsel for the applicant.

Shri G.K. Agrawal, Public Prosecutor for the respondent/State.

This application under Section 482 of Cr.P.C. has been filed for seeking a direction to the Trial Court to conclude the trial as early as possible.

It is the case of the applicant that on the report of the complainant, Crime No.116/2016 was registered against the applicant for offence under Section 420 of IPC and the trial in S.T. No. 73/2018 is pending. The charges were framed on 21.01.2019. The case was fixed for recording of evidence on 13.05.2019, 19.08.2019, 20.08.2019, 18.09.2019, 19.09.2019, 16.10.2019, 30.10.2019, 21.11.2019, 06.03.2020, 27.03.2020, 28.03.2020, 28.04.2020, 27.05.2020, 30.06.2020, 11.08.2020, 25.09.2020, 20.11.2020, 16.12.2020, 08.01.2021, 21.01.2021, 09.02.2021 and 05.03.2021.

It is submitted that although 14 witnesses have been examined but they have not supported the prosecution case and the evidence of some more witnesses is yet to be examined, but they are not appearing, as a result, the applicant is in jail for the last two years and, accordingly, it is prayed that the trial be concluded as early as possible.

Heard the learned counsel for the applicant.

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The applicant has not disclosed that his applications for grant of bail have already been dismissed on merits on number of occasions. The allegation against the applicant is that he had cheated various persons by selling the policies of Royal Privilege India Company Limited. The applicant had filed an application under Section 482 of Cr.P.C. for quashing the FIR which was registered as M.Cr.C. No.30521/2019 which was dismissed by order dated 24.07.2018. The prayer for quashment was made that now as the applicant and the complainant have resolved their disputes and have entered into a compromise, therefore, the proceedings be quashed. This Court while dismissing the application filed under Section 482 of Cr.P.C. has considered that by floating a fake company, the policies were sold to various innocent persons and huge amount has been embezzled by the accused persons which is certainly an offence against the society.

Whenever any application is filed by an accused may be under Section 482 of Cr.P.C., then it is expected that he must come with clean hands and must disclose about the previous cases, which were filed by him before the High Court.

Be that whatever it may.

The crux of the matter is that the bail application of the applicant has been rejected, whereas the application under Section

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482 of Cr.P.C. for quashment of the criminal proceedings has also been dismissed. However, the speedy trial is a fundamental right of an undertrial. Merely because the bail applications of the applicant have been rejected or his application under Section 482 of Cr.P.C. has been dismissed, is not a good ground to linger on the trial.

Accordingly, the Trial Court is directed to take every possible coercive measures to ensure that the trial is decided as early as possible.

With the aforesaid observations, the application is finally **disposed of.**

**(G.S. Ahluwalia)**  
**Judge**

Abhi

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