

**IN THE HIGH COURT OF MADHYA PRADESH**

**AT INDORE**

***BEFORE***

**HON'BLE SHRI JUSTICE VIVEK RUSIA**

**&**

**HON'BLE SHRI JUSTICE AMAR NATH (KESHARWANI)**

**ON THE 30<sup>th</sup> OF AUGUST, 2022**

**WRIT PETITION No. 19390 of 2022**

**Between:-**

**SHRI BASANT KUMAR SINGH S/O SHRI G.S. SINGH, AGED ABOUT 59 YEARS, OCCUPATION: I.E.S. CHIEF CONSERVATOR OF FOREST DXC/2 CHAR IMLI BHOPAL (MADHYA PRADESH)**

**.....PETITIONER**

**(IN PERSON.)**

**AND**

**1. THE STATE OF MADHYA PRADESH THROUGH CHIEF SECRETARY BHOPAL (MADHYA PRADESH)**

**SPECIAL POLICE ESTABLISHMENT LOKAYUKTA POLICE,**

**2. LOKAYUKTA POLICE, , KOTHI PALACE, DISTRICT UJJAIN (MADHYA PRADESH)**

**.....RESPONDENTS**

**(SHRI ADITYA GARG, LEARNED GOVT. ADVOCATE FOR THE RESPNDENT/ STATE.)**

**(SHRI VAIBHAV JAIN, LEARNED COUNSEL FOR THE RESPONDENT NO.2.)**

*This petition coming on for hearing on this day, JUSTICE VIVEK RUSIA passed the following:*

**ORDER**

This present petition is filed by the petitioner who is facing trial under section 13(1)(e) and section 13(2) of the P.C. Act, 1988 in respect of disproportionate assets. The petitioner had earlier approached this court by way of writ petition no.20317/2019 seeking direction to conclude the trial as expeditiously as a speedy trial is his fundamental right. Writ petition no.20317/2019 was disposed of on 23.09.2019 with direction to the trial court to conclude the trial as expeditiously possible at an early date. Against the aforesaid order, the petitioner preferred SLP (Crl.)

No.142/2020 which was dismissed on 19.07.2021. Despite the aforesaid orders, the petitioner filed an Interlocutory Application under the Caption:-

***“PRAYER TO PROTECT FUNDAMENTAL RIGHT OF FAIR TRIAL UNDER ARTICLE 21 OF CONSTITUTION BY DIRECTING SHRI MANOJ PATHAK P.P. TO ACT ACCORDING TO PROCEDURE ESTABLISHED BY LAW AND DUE PROCESS OF LAW WHEREIN PROCEDURE MUST BE REASONABLE, JUST AND FAIR AND NOT ARBITRARY, FANCIFUL AND OPPRESSIVE AS GUARANTEED BY CONSTITUTION BENCH OF HON'BLE SUPREME COURT.”***

The above application runs into 15 pages and is drafted in English. By way of aforesaid application, the petitioner is in fact praying that “*Likatham Suchi*” which is part of the charge sheet be not accepted. The aforesaid application was come up for consideration before the Special Judge on 13.08.2022 and the learned trial court has directed the petitioner to submit a Hindi translation of the aforesaid application thereafter, the reply be filed by the State.

Heard and perused the record

The trial against the petitioner is already fixed for prosecution evidence. Being aggrieved by the order dated 13.08.2022 petitioner has approached this court by way of the writ petition. Apart from the directions given by the learned court for the filing of the Hindi translation of the application, we find that the entire application is without any substance. There is no such provision either in Cr.P.C. or PC Act for applying under Article 21 of the Constitution of India. On the one hand, the petitioner is complaining that there is a delay in the trial and on the other hand he is wasting the precious time of the court by filing this frivolous application and now by filing translation in Hindi and thereafter reply would cause further delay in conclusion of the trial.

The petitioner is an I.F.S. Officer and at the time of the trap, he was working as a Chief Conservator of Forest. He himself is conducting the trial without taking legal assistance and filing such type of an application

is nothing but a misuse of the process of law. Hence, In the exercise of supervisory power under art 227 of the Constitution of India we hereby direct the trial court to proceed with the evidence in the trial without deciding this application. All the grounds raised in the application can be raised as defence at the appropriate stage of the trial. We do not find any substance in the writ petition and accordingly the writ petition is dismissed.

(VIVEK RUSIA)  
JUDGE

(AMAR NATH (KESHARWANI))  
JUDGE

Ajit/-

AJIT  
KAMALA  
SANAN

Digitally signed by AJIT KAMALASANAN  
DN: c=IN, o=HIGH COURT OF MADHYA  
PRADESH BENCH INDORE, ou=HIGH COURT  
OF MADHYA PRADESH BENCH INDORE,  
postalCode=452001, st=Madhya Pradesh,  
2.5.4.20=156c9cedca1b74d671db9f220a5e3  
ed6cba241effad892107d95ef0a1afc55b4,  
pseudonym=CFDFD9C36711CA738F527A5D  
61A1EE901C09EF29,  
serialNumber=7F08EE2D788D57DA058F324  
7441C87E7E0817F861F5E2ABCAEE63CAAA7  
8389FF, cn=AJIT KAMALASANAN  
Date: 2022.09.03 19:10:20 +05'30'

