

Court No. - 16

Case :- BAIL No. - 4878 of 2019

Applicant :- Ram Niwas @ Nankan

Opposite Party :- State of U.P.

Counsel for Applicant :- Manoj Kumar Misra

Counsel for Opposite Party :- G.A.

Hon'ble Rajesh Singh Chauhan,J.

Heard learned counsel for the parties.

In compliance of the order dated 22.10.2020, In-charge Additional District and Sessions Judge/ F.T.C.-I, Gonda has submitted status report dated 5.11.2020, which clearly indicates that the charge has already been framed on 26.3.2019. Thereafter, the trial proceedings are held up due to COVID-19 situation, however, date has been fixed for examination of witness as 26.11.2020.

If the aforesaid report is accepted on its face value, then inference may be drawn that the trial court is unable to proceed the trial on account of COVID-19 situation. If the trial court is unable to proceed the trial then there may not be any logical reason to keep the accused under judicial custody inasmuch as it appears that COVID-19 situation is not going to be controlled in days to come. Therefore, in that situation, the question before the Court would be as to whether liberty of the accused-applicant may be curtailed when the trial courts are unable to proceed the trial. The accused person is languished under judicial custody for the reason that the trial be conducted and concluded at the earliest but if the situation is otherwise, as aforesaid, the counsel for the State has to address the Court on the next date as to what course the Court should adopt because for want of logical explanation for not conducting the trial, the fundamental right granted to every citizen under Article 21 of the Constitution of India may not be denied.

Learned AGA may seek specific instructions from the learned trial court as well as from the Law Department of the State of U.P. as to whether in absence of trial, liberty of the accused-applicant may be curtailed, if so, what may be the logical reasons to that effect.

List on 7th December, 2020.

Order Date :- 17.11.2020

RBS/-

[Rajesh Singh Chauhan,J.]