

- CrPC, Section 482 – Challenge against an order of framing charge – Principles laid down – No bar to jurisdiction of the High Court to consider a challenge against an order of framing charge in exceptional situation for correcting a patent error of lack of jurisdiction, exercise of such jurisdiction has to be limited to rarest of rare cases – Even if a challenge to order framing charge is entertained, decision of such a petition should not be delayed – Though no mandatory time limit can be fixed, normally it should not exceed two-three months – If stay is granted, it should not normally be unconditional or of indefinite duration – Appropriate conditions may be imposed so that the party in whose favour stay is granted is accountable if court finally finds no merit in the matter and the other side suffers loss and injustice – To give effect to the legislative policy and the mandate of Article 21 for speedy justice in criminal cases, if stay is granted, matter should be taken on day-to-day basis and concluded within two-three months – Where the matter remains pending for longer period, the order of stay will stand vacated on expiry of six months, unless extension is granted by a speaking order showing extraordinary situation where continuing stay was to be preferred to the final disposal of trial by the trial Court – This timeline is being fixed in view of the fact that such trials are expected to be concluded normally in one to two years.

[ASIAN RESURFACING OF ROAD AGENCY PVT. LTD. V. CENTRAL BUREAU OF INVESTIGATION, 2018 Scej 688](#)