

W.P. 152 of 1995.

Order 955. Order sheet

20/1/95.

Sushree Nandita Haksar for the petitioner.

Shri V.K. Shukla, G.A. on advance notice for the State and Shri U.P. Namdeo standing counsel for Union of India on advance notice.

The main grievance of the petitioner is that a murder trial of trade Union Leader - Shankar Guha Neogi held in Camera and the Chhatisgarh Mukti Morcha and the complainants are not being allowed to assist the Court. On the other hand the witnesses are being terrorized and humiliated during their examination.

The law is well settled that criminal trial should take place in open Court. Reliance was placed on a decision of the Supreme Court in case of Kehar Singh (AIR 1988 SC 1883) and a decision of Calcutta High Court in case of Numar Purnend Nath Tagore V. Kalipada Dutt and others (AIR 1955 CALCUTTA 513)

Issue notice to the respondents.

As regards the stay of the proceedings, counsel states that the petitioner does not want trial to be stayed but, seeks a direction for holding the trial in open Court.

Considering the circumstances which have been stated in the petition, I direct that this matter be listed for final hearing on 6th of February, 1995.

meanwhile, it is directed that the trial be not held in Camera, U.C. as per rules.

Sd/- S.K. Subedi
JUDGE.

