

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3829 of 2015

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1. Amarnath Deep @ Amar Yadav Son of Late Shobhanath Yadav Resident of Village - Maranga, P.O. - Maranga, P.S. - K. Hat, District - Purnea.

.... Petitioner/s

Versus

1. The State of Bihar through C.B.I.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anupam Sinha

For the Opposite Party/s : Mr. Ramakant Sharma(L/O(I.C.Vigilance))

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

5 29-04-2015 Heard learned counsel for the petitioner as well as learned counsel appearing for the C.B.I.

The trial court has reported vide his letter no. 85 dated 25.03.2015 that the trial of the petitioner will be concluded within two months but submission on behalf of learned counsel appearing for the C.B.I. is that in the present case, altogether 108 prosecution witnesses were proposed to be examined and out of them, up till now, only 23 prosecution witnesses could be examined and the C.B.I. will take more time to get examine its remaining witnesses.

Learned counsel appearing for the petitioner submits that petitioner is languishing in jail custody since 18.12.2004 but up till now, his trial could not be concluded in spite of specific

direction of Apex Court of this country as well as this Court.

From perusal of Annexure-1 series, I find that several times this Court directed the court below to dispose of the case within a time framed but up till now, the trial of the petitioner could not be concluded as the C.B.I. could not get examine its all witnesses. Furthermore, the report of learned trial court reveals that one prosecution witness was partly examined on 10.03.2014 but for want of a document, his examination could not be completed and, thereafter, the trial court took several steps to ensure the production of above stated document and lastly, the aforesaid document was made available to the trial court.

It appears from submission of learned counsel appearing for the C.B.I. that up till now, only 23 prosecution witnesses could be examined but the learned Additional Sessions Judge-IV, Patna has reported that almost all the prosecution witnesses have already been examined and the case will be disposed of within two months.

There is apparent contradiction between the submission of learned counsel appearing for the C.B.I. as well as report of learned Additional Sessions Judge-IV, Patna. Moreover, when the trial court has itself fixed the period for conclusion of trial of the petitioner, I think it proper to direct the trial court to

conclude the trial of the petitioner within the period as fixed by the trial court itself and furthermore, I think it proper to direct the C.B.I. to produce the remaining witnesses before the trial court within the period as fixed by the trial court.

With the aforesaid observations/directions, this petition filed in connection with Sessions Trial No. 1310 of 2005 arising out of R.C. Case No. 12(S)/98/SIC IV of 1998 stands rejected.

(Hemant Kumar Srivastava, J)

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