

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28007 of 2014

Arising Out of PS.Case No. -220 Year- 2011 Thana -TEKARI District- GAYA

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Dina Nath Yadav @ Punjabi Son of Ram Krit Yadav, Resident of Village -
Karhara, P.S.- Tikari, District-Gaya

.... Petitioner.

Versus

The State of Bihar

.... Opposite Party.

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Appearance :

For the Petitioner : Mr. Dinu Kumar, Sr. Advocate.
Mr. Rajesh Kumar Singh, Advocate.
Mr. Arvind Kumar Sharma, Advocate.

For the State : Mr. R.N Jha, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE GOPAL PRASAD
ORAL ORDER

3 05-08-2015 Earlier prayer for bail was rejected by this Court with direction to expedite the trial for early disposal of the case within nine months.

A report has been called for and it has been reported that only five witnesses including the informant have been examined so far and six witnesses including the doctor and I.O. are yet to be examined and cause for delay of non-production of witnesses by the prosecution, even after direction issued to produce the witnesses.

However, the trial court has not given any report about what action taken by the trial court for non-compliance of the order for production of the witnesses to uphold the authority of law and expeditious disposal which is fundamental right enshrined in Article 21 and the trial court remain a mute spectator like a helpless person. It has not been mentioned that what action has been taken against the authorities for non-compliance of the order regarding process issued nor has he mentioned what action has

taken for production of the witnesses. It is horrible, it has been mentioned that it will take one year to conclude the trial if the witnesses produce by the prosecution. It shows that the Presiding Officer is showing his inability to ensure the production of witnesses and is unable to uphold the authority of law and laying at the mercy of the prosecution to conduct the trial.

I fail to understand as to why the court is on mercy of the prosecution for production of witnesses and unable to take step to ensure the attendance of the witnesses upholding the authority of law and it shows their in competency to ensure the attendance of witnesses or unable to control the proceeding of Court.

Hence the trial court is directed to take steps for production of the witnesses through the S.P., Gaya, and if processes not complied and witnesses are not produced then take steps against the appropriate authority for non-compliance of the order. Hence it is hereby ordered to conclude the trial within six months failing which the authority concern shall held responsible for non-compliance.

With the above observation, the petition is disposed of.

m.p.

(Gopal Prasad, J)

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