

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1213 of 2014

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1. Radha Devi wife of Late Vijay Prasad resident of village - Sai, P.S. Dhanarua, Distt. - Patna

.... Petitioner/s

Versus

1. The State of Bihar through the I.G. (Prosecution) Govt. of Bihar, Patna
2. Kaushal Kumar son of Shyamdeo Prasad
3. Ganauri Prasad son of late Man Singh Prasad 2 to 3 are resident of village - Sai, P.S. Dhanarua, Distt. - Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Premchandra Yadav

For the Respondent/s : Mr. Sc6-Manindra Kishore Singh

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

3 10-08-2015

The petitioner is wife of the informant of Dhanarua

P.S.Case No.181 of 2003 dated 30.09.2003 registered under sections 147, 148, 149, 307 and 302 of the Indian Penal Code as well as section 27 of the Arms Act. In the FIR, the informant has alleged that the accused persons named in the FIR shot dead his daughter Pinki Kumari and injured his wife Radha Devi (Petitioner).

After completion of investigation, the police submitted charge sheet against some of the accused named in the FIR. In due course of time, the case was committed to the court of Sessions as the offences alleged were triable by the court of Sessions giving rise to Sessions Trial No. 674 of 2004. The trial

Judge framed charges against the accused and the trial commenced.

It has been contended that all the witnesses except the Investigating Officer have already been examined during trial. The last witness was examined in this case in the year 2009 itself and since then the trial is pending simply for the reason that the Investigating Officer of the case, namely, Bali Sharma has not been examined.

It is a serious matter. The trial of a criminal case cannot be allowed to prolong for an indefinite period as Article 21 of the Constitution of India, which is one of the luminous provisions in the Constitution and is a part of the scheme for fundamental rights, guarantees right to speedy trial. The prosecution must be careful in dealing with the criminal case. Despite all efforts having been taken by the trial court, it appears that the Investigating Officer has failed to appear before the court to depose since 2004.

The Constitutional guarantee under Article 21 is for protection of both the accused and the society. It is the bounden duty of the court and the prosecution to prevent unreasonable delay. In order to make the administration of criminal justice effective and meaningful, the State Government and all its

authorities concerned must take necessary steps immediately so that the trial in a criminal case is concluded within a reasonable time. In the present case, I find that there is a deliberate lapse on the part of the prosecution in conducting the trial.

In that view of the matter, I direct the I.G. (Prosecution) Government of Bihar, Patna (Respondent No.1) to ensure appearance of the Investigating Officer of the case for deposition in the aforesaid trial within two months from today.

The trial court shall make endeavour to conclude the trial as early as possible preferably within four months from today.

With these directions and observations, the application is disposed of.

(Ashwani Kumar Singh, J)

Pradeep/-

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