

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.981 of 2016

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1. Tarni Prasad @ Tarini Prasad Son of late Yadunath Sahay Resident of
E-79, Srikrishnapuri , P.S. S.K. Puri District Patna.

.... Petitioner/s

Versus

1. The Central Bureau of Investigation Through Superintendent of Police,
Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajiv Kumar Verma, Sr. Advocate
Mr. Prashant Sinha, Advocate

For the Respondent/s : Mr. Bipin Kumar Sinha(SC,Cbi)

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CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

4 04-10-2016 Aggrieved by the order, dated 07.09.2016, passed in

Special Case No.02 of 1988, arising out of RC No.48(A)/87, by
the learned Special Judge CBI-III, Patna, closing the case of the
defence, this application, made under Articles 226 and 227 of the
Constitution of India, has been filed seeking issuance of
appropriate writ.

Heard Mr. Rajiv Kumar Verma, learned Senior
Counsel, appearing on behalf of the petitioner, and Mr. Bipin
Kumar Sinha, learned Standing Counsel, appearing on behalf of
the Central Bureau of Investigation.

On perusal of the materials on record, it transpires that
Special Case No.02 of 1988 has been pending for almost 28



(twenty-eight years) and the learned trial Court has, now, expedited the process for disposal of the case. In this regard, it needs to be noted that it was in the month of May, 2016, that the prosecution evidence was closed after a long period of 14 (fourteen years). The defence seeks to examine 35 witnesses and, therefore, seeks 61 days for the purpose of examining the witnesses.

Having regard to the fact that the case aforementioned has been pending for about 28 years, this Court is clearly of the view that though the defence needs to be given required time for examining the witnesses, it cannot be allowed to hamper the process of the trial.

In view of the above and in the interest of justice, it is hereby directed that the accused-petitioner shall adduce all such evidence, as he wishes to give, within a period of two months from 17th October, 2016 i.e., the date which has been fixed for argument in the case.

Because of what has been directed above, the order, dated 07.09.2016, passed by the learned Special Judge, CBI-III, Patna, is modified to the extent as indicated above.

It is further directed that the trial shall be held on day to day basis and if the defence fails to adduce evidence, the

learned trial Court shall remain at liberty to pass such other or further order or orders as may be deemed fit and in accordance with law.

In terms of the above observations and directions, this application stands disposed.

Let a copy of this order be sent by FAX to the learned Special Judge, CBI-III, Patna.

(I.A. Ansari,CJ)

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