

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.643 of 2018

Arising Out of PS. Case No.-47 Year-1994 Thana- MALI District- Aurangabad

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Ram Parvesh Singh S/o Late Ram Khelawan Singh, R/o Village- Padria, P.S.-
Mali, District- Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Registrar, Civil Court Aurangabad.
3. The District Magistrate, Aurangabad.
4. The Police Superintendent, Aurangabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shailesh Kumar Singh
For the Respondent/s : Mr. Bindhyachal Singh

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 25-07-2018 Heard learned counsel for the petitioner and the
State.

The petitioner, who is the informant of Mali P.S. Case No. 47 of 1994, which has given rise to Sessions Trial No. 247 of 1995, has approached this Court, seeking direction to respondents no. 3 and 4 for ensuring that the official witnesses appear before the trial court, so that the trial is concluded in near future.

The occasion for filing the present petition is that the case is pending trial since 1996 only for the examination of official witnesses.

Though this Court is of the view that the present petition is misconceived and the extraordinary jurisdiction of the High Court under Article 226 and 227



of the Constitution of India need not be invoked for the aforesaid relief, but taking into account the fact that the trial has continued since 1996, and that also only for the non-examination of the official witnesses, who are for some reason or the other not appearing before the trial court, this Court only directs the learned trial court to take all possible coercive steps for securing the attendance of the aforesaid official witnesses. The respondents no. 3 and 4 shall also cooperate with the trial court.

In case, the witnesses do not appear, necessary action be taken against them in the administrative side. It would also be open for the trial court to proceed against such erring official witnesses in accordance with law.

With the aforesaid observation, this petition is disposed off.

(Ashutosh Kumar, J)

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