

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2799 of 2018

Arising Out of PS. Case No.-13 Year-2003 Thana- JAMALPUR District- Darbhanga

Binod Kumar S/o Munar Kamat, Resident of Village- Mangrauni, P.S.- Raj
Nagar, District- Madhubani.

... .. Petitioner

Versus

1. The State Of Bihar through the Principal Secretary, Home Police, Patna
2. The District Magistrate, Darbhanga.
3. The Superintendent of Police, Darbhanga.
4. The Sub-Divisional Officer, Biraul, District- Darbhanga.
5. The Deputy S.P., Biraul, District- Darbhanga.
6. The Block Development Officer, Kiratpur Block, District- Darbhanga.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Krishna Pd. Singh, Sr. Advocate
		Mr. Bhaskar Shankar, Advocate
For the State	:	Mr. Dhurendra Kumar, AC to GP-5

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 13-03-2019

This writ petition has been filed by the petitioner
for a direction to the respondents to conclude the trial arising
out of Jamalpur P. S. Case No.13 of 2003 registered under
Sections 420 and 409 of the Indian Penal Code.

2. Learned senior counsel appearing for the petitioner



submitted that the petitioner has been made accused in the aforesaid Jamalpur P. S. Case No.13 of 2003, which was instituted on 25.03.2003. At the relevant time, he was the Block Development Officer of Kiratpur Block, Darbhanga. In the said case, after investigation, the police had submitted charge-sheet on 22.01.2007. In the meantime, in respect of the allegation made in the first information report (for short 'FIR') a disciplinary proceeding was also initiated. In the disciplinary proceeding, charges levelled against the petitioner were found false and he was exonerated. In the criminal case, charges were framed against the petitioner on 30.04.2007. Despite lapse of over 16 years since the date of institution of the FIR and more than 11 years since the date of framing of charge, no prosecution witness has been examined in this case. He has contended that inaction on the part of the prosecution in producing the witnesses infringes the right of the petitioner to speedy trial as enshrined under Article 21 of the Constitution of India.

3. Learned counsel appearing for the State undertook that the prosecution would produce all its witnesses within six months from today.

4. This Court is not satisfied with the manner in which trial is proceeding. Apparently, the prosecution has



miserably failed in its duties to produce witnesses before the court. The criminal case launched against a person cannot be allowed to continue for an infinite period. Speedy trial is a fundamental right implicit in the guarantee of life and personal liberty enshrined in Article 21 of the Constitution of India and an accused who is denied this right of speedy trial is entitled to approach this Court under Article 226 of the Constitution of India for the purpose of enforcing such right.

5. Considering the facts and circumstances of the case as also the undertaking given by the learned counsel for the State, the State is directed to produce all its witnesses within six months from today. In case the prosecution fails to produce its witnesses within next six months, the trial court shall close the prosecution case and proceed to the next stage. The trial court is further directed to hold the trial of the petitioner on day-to-day basis and conclude the same within nine months from today.

6. With the aforesaid observations and directions, the writ petition is disposed of.

(Ashwani Kumar Singh, J)

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AFR/NAFR	NAFR
CAV DATE	NA
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