

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.707 of 2019

Arising Out of PS. Case No.-156 Year-2007 Thana- DARBHANGA District- Darbhanga

1. Vinay Krishna Jha, Son of Late Yogendra Narayan Jha, Resident of Village-Mirzapur, P.S- Town, District- Darbhanga.
2. Smt. Swarna Shriya, W/o Sharad Choudhary, Resident of A/51, Baibhav Nagar, Kanariya Road, P.S.-Baibhav Nagar, Indore, M.P.

... .. Petitioners

Versus

1. The State of Bihar through the Secretary, Department of Law, Bihar.
2. Registrar, Civil Court, Darbhanga.
3. The Officer-in-Charge, Town Police Station, Darbhanga.
4. The Investigating Officer, Town P.S. Case No.156 of 2007, Darbhanga.
5. Laxmi Kumari D/o Naveen Chandra Choudhary, Resident of Mohalla-Bengali Tola, P.S.-Laheriasarai, Darbhanga.

... .. Respondents

Appearance :

For the Petitioners	:	Mr. Prashant Kumar, Advocate
For the Respondents-State:		Mr. Sunil Kumar Mandal, SC-3
		Ms. Neelam Kumari, AC to SC-3

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 25-06-2019

Heard learned counsel for the petitioners and learned counsel for the State.

2. This application under Articles 226 and 227 of the Constitution of India has been filed by the petitioners for directing the respondent-authorities to expedite and conclude Sessions Trial No.1 of 2013 arising out of Darbhanga Town P.S. Case No.156 of 2007 pending in the court of 1st Additional Sessions Judge, Darbhanga.



3. Learned counsel appearing for the petitioners submitted that vide order dated 19.08.2014 passed in Cr. Misc. No.4138 of 2014, this Court had directed the trial court to expedite the trial and conclude the same positively within the period of nine months from the date of production of the order without granting unnecessary adjournments to any party but the said order has not been complied with and the case remained pending for investigation for about five years since 19.08.2014.

4. On such submission made by the learned counsel for the petitioners, a report was called for vide order dated 15.05.2019 from the court below as to why the order passed by this Court has not been complied with. In compliance of the aforesaid order dated 15.05.2019, the learned Incharge Session Judge, Darbhanga has submitted his report dated 11th June, 2019 wherein he has stated that he has recently joined on 11.12.2018 as 1st Additional Sessions Judge, Darbhanga. After joining, on 08.04.2019, he has directed both the parties to come ready for argument on the petition of prosecution filed on 25.05.2017 to direct the Superintendent, D.M.C.H. to produce admission register, injury report of the informant Laxmi Kumari as per out door slip and its rejoinder dated 03.06.2017 filed by the defence. On 14.05.2019, the petition filed by the prosecution was rejected. Last



chance was given to the prosecution to produce witness fixing 31.07.2019 as the next date. He has submitted that he is sincerely trying to conclude the sessions trial as early as possible and has prayed for extension of time by four months for conclusion of the trial.

5. Considering the facts and circumstances of the case, the writ petition is disposed of with a direction to the learned Additional Sessions Judge-1st, Darbhanga to take all possible steps to conclude the trial as early as possible, preferably within four months from the date of receipt/production of a copy of the order.

6. It is made clear that failure to conclude the trial within the period stipulated above would be viewed seriously.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	26.06.2019
Transmission Date	26.06.2019

