

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 2574 of 2018**

1. Raj @ Vikram, S/o Nanhu Devar Aged About 21 Years,
 2. Firoz, S/o Albela Devar, Aged About 32 Years,
 3. Anup, S/o Bilwa Devar, Aged About 27 Years,
 4. Vicky, S/o Sanju Devar, Aged About 19 Years,
 5. Raju, S/o Rudhir Kaushik, Aged About 23 Years,
- All R/o Nan Bada Bazar, Tikrapara, Police Station Chirmiri,
Civil And Rev. Distt. Korea, Distt. Korea Chhattisgarh.,
District : Koriya (Baikunthpur), Chhattisgarh

---- Petitioners**Versus**

- State Of Chhattisgarh Through The Station House Officer,
Police Of Police Station Chirmiri, District Korea, Chhattisgarh.,
District : Koriya (Baikunthpur), Chhattisgarh

---- Respondent**CONT No. 7 of 2019**

- In The Matter Of Suo Motu Contempt Petition

---- Petitioner**Versus**

- Jail Superintendent Central Jail Ambikapur, District : Surguja
(Ambikapur), Chhattisgarh

---- Respondent

For State : Shri Shailendra Dubey, Addl. A.G. and
Shri Anand Verma, Dy. G.A.

Hon'ble Shri Justice Manindra Mohan Shrivastava &**Hon'ble Smt Justice Rajani Dubey****Judgment on Board****10/01/2019**

1. Having noticed that despite the judicial order passed by this Court in CRA No.434/2015 on 28.08.2018, directing the production of the accused before the Trial Court on 08.10.2018, the accused was not being produced before

the Trial Court on various dates, this Court prima facie found it to be a fit case of contempt of order passed by this Court. The contempt proceedings has been initiated against the Superintendent of Police, Central Jail, Ambikapur.

2. Today, Shri Rajendra Gaikwad, Superintendent, Central Jail, Ambikapur is present in the Court and has also filed an affidavit to explain his conduct.

We have gone through the affidavit filed by the Jail Superintendent and found that after the order was passed by this Court directing production of accused before the Trial Court on 08.10.2018, despite repeated requisition sent to the Superintendent of Police for making available force for production of the accused before the Trial Court, requisite force was not made available and because of this, the accused could not be produced before the Trial Court. He further submits that later on, the accused was finally produced before the Court and the Trial Court has also passed the final order in the Criminal Case on 22.12.2018.

3. After going through the contents of the affidavit and various correspondences, we find that despite repeated requisition from the Central Jail, Ambikapur for making available force, so that the accused can be taken from the jail to the Trial Court and produced for further proceedings in the Trial Court for recording his statement

under Section 313 of the Cr.P.C., the police force was not made available, on the vague reasons stating that the police force could not be made available because of VIP duty and other kind of law and law and order, in the ensuing elections.

We note that the accused could not be produced before the Court for want of force to take the accused from jail to the Court and for this, the concerned Superintendent of Police, Ambikapur and the Reserve Force, Ambikapur are responsible. It appears that the duty to produce the accused particularly, before the Court by taking him from jail has been given the last priority and all the police force has been engaged in other activities which is considered to be more important. It is the responsibility of the State to ensure that the accused who are required to be produced in the Court are regularly produced, so that the progress of the Criminal Trial is not unduly delayed.

4. We find that in the present case great amount of laxity and negligence has occurred on the part of the Police Authorities in sending the sufficient force for production of the appellants in the Court. This adversely effects the speedy Trial and is against the concept of speedy proceedings in criminal cases.
5. Learned Additional Advocate General present in the Court also submits that there is need for making proper

arrangements of sending the accused from jail to Trial Court as and when their production is ordered by the Trial Court.

6. Present case gives an occasion to this Court for issuing direction to the State government & Department of Home (Police) to take necessary measures to ensure that the production of accused from jail is not unnecessarily delayed. It is directed that barring exceptional circumstances, it shall invariably be ensured by the Police Authorities that as and when requisition is received from the concerned jail for taking the accused for being produced before this Court, necessary force is made available.

The Director General of Police of the State is directed to hold periodical review (at least once in six months) through an appropriate committee, on the basis of data collected from all the jails as to whether the Police force at the District level properly responds to the requisition for arranging force for taking the accused for Trial from jail to the Court and it is found that in a particular place there are repeated requisitions and reminders being sent by the Jail Authorities, proper action should be taken against the Officers who are responsible for arranging police force. The jail authorities in the State are directed to send six monthly reports to the Director General of the Police (Jail) with regard to compliance of the direction of this Court which is now

being given. The State, in the Department of Home (Police) and Director General of Police shall do well to issue necessary direction by way of circular to give broad direction in this regard. In view of the affidavit and the explanation given by the Jail Superintendent, Central Jail, Ambikapur, we are not inclined to further proceed in contempt proceedings against him.

7. Rule is discharged.
8. Let a copy of this be sent to the Secretary Home (Police) of the State for issuance of necessary directions to all concerned. Reference is closed.
9. In view of the fact that the judgment has already been pronounced before the Trial Court, all proceedings before this Court are being closed.

Sd/-
(Manindra Mohan Shrivastava)
JUDGE

Sd/-
(Rajani Dubey)
JUDGE