

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1861 of 2019

Arising Out of PS. Case No.-107 Year-2009 Thana- DANAPUR District- Patna

SANTOSH KUMAR PANDEY Son of Ramsaran Pandey Resident of Village
and P.O.- Jigar Sandi, P.S.- Jahanaganj, District- Azamgarh, Uttar Pradesh-
276129 Petitioner

Versus

1. THE STATE OF BIHAR THROUGH DIRECTOR GENERAL OF POLICE,
BIHAR, PATNA
2. The Principal Secretary, Department of Home, Government of Bihar, Patna.
3. The Director General of Police, Government of Bihar, Patna.
4. The Inspector General of Police, Patna, Government of Bihar, Patna.
5. The Deputy Inspector General of Police, Patna, Government of Bihar, Patna.
6. The Superintendent of Police, Patna.

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr. Praveen Kumar, Advocate Mr. Kumar Kaushik, Advocate Mrs. Namrata Dubey, Advocate
For the Respondent/s	:	Mr. Ajay Kumar, AC to GP 4

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 04-02-2020 The petitioner in the present case is an accused facing Sessions Trial No. 30 of 2011 pending before the learned Additional District & Sessions Judge III, Danapur (Patna) which arises out of Danapur P.S. Case No. 107 dated 11.04.2009 registered under Sections 364, 120(B) of the Indian Penal Code.

Learned counsel for the petitioner submits that in this case after framing of charge on 13.04.2015, for last about 5 years the trial has not proceeded because none of the witnesses have turned up. It is his submission that what has been held to be a constitutional right of an accused to get a speedy justice has



been negated so far in the present case because of the routine and mechanical manner of adjournment being granted in absence of the prosecution witnesses.

It is his submission that to procure the attendance of witnesses the learned trial court has issued non-bailable warrants long back but those non-bailable warrants have remained in the hands of the police authority unexecuted over the years. In this connection he has relied upon the various orders passed by the learned trial court, copies of which have been annexed with the present writ application.

Learned counsel for the State submits that in the nature of the grievance raised by the petitioner he cannot oppose this writ application rather it would be his submission that the trial must be concluded within a reasonable time.

Under the given facts and circumstances of the case, this Court directs the learned Additional District and Sessions Judge III, Danapur to proceed with the matter and conclude the trial as early as possible preferably within a period of six months from the date of receipt/production of a copy of this order.

At the same time the Superintendent of Police, Patna (respondent no. 6) is directed to ensure execution of warrants, if



already pending with the police authorities, within a period of 30 days from the date of receipt/production of a copy of this order. He will also find out as to why the warrants issued by the learned trial court has not been executed so far and who are the persons responsible behind this and on such finding he would take appropriate decision in this regard in accordance with law against the erring officials.

The writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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