

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26839 of 2022

Arising Out of PS. Case No.-100 Year-2018 Thana- MUFFASIL District- Aurangabad

SANTOSH PASWAN S/o Late Jagmohan Paswan R/o village- Paharma, P.S.-
Aurangabad (Muffasil), District- Aurangabad (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailesh Kumar Singh,Advocate
For the Opposite Party/s : Mr.Rajendra Nath Jha,APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 21-09-2022 Heard learned counsel for the petitioner and learned
counsel for the State.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks.

The petitioner is in judicial custody in connection
with Aurangabad Mufasil P.S. Case No. 100 of 2018 for the
offences under Sections 147, 148, 149, 323, 307 and 302 of the
Indian Penal Code.

The petitioner had earlier moved this Court vide Cr.
Misc. No. 67462 of 2019 which was rejected on 14.08.2020
with a direction to the learned Trial Court to expedite the trial
and conclude the same within six months.

In this case, status of the trial was called for on
26.08.2022 and the same has been received.



The learned Additional District & Sessions Judge -I-
Cum- Special Judge (NDPS), Aurangabad has sent a letter vide
Letter No. 112 of 2022 which is incorporated herein below.

*“From,
Pankaj Mishra
Additional District & Sessions Judge -I
cum Spcl. Judge (N.D.P.S.)
Aurangabad (Bihar)*

*To,
The Assistant Registrar (Cr.Misc.)
Hon’ble High Court of Judicature at Patna*

*Ref:- order dated 26.08.2022 passed by the Hon’ble
Court in Cr. Misc. No. 26839 of 2022 wherein the
Hon’ble Court has been pleased to call for a report.*

Sub:- Humble submission of the report as desired.

Aurangabad, dated 6th September, 2022

Respected Sir,

*With reference to above noted subject, it is
humbly to inform that the undersigned had taken
charge of this Court in June, 2022 and after such
joining the undersigned had ordered to issue
summons against the Doctor and the I.O. of the
matter. Sir, it appears repeat worthy that one doctor
Sunil Kumar has been examined on 8th July, 2022
during the officiation is undersigned. And it has been
further ordered to issue a letter to S.P. and Civil
Surgeon of the District respectively to produce the
Doctor who conducted the postmortem and the
Investigating Officer in order to see the just disposal
of the matter.*

Sir, a brief history of the journey of the



pendency before the Court of ADJ-1st after the passing of order by the Hon'ble Court in Cr. Misc. No. 67462 of 2019 vide order dated 14.08.2020 appears to be expedient to reveal with. Sir, the referred order was placed after such communication, on 05.09.2020 before the Court (predecessor in office). Sir, the physical mode of working was resumed on 22.02.2022 and the specified period of 6 months was to start as per the referred order after the resumption of court proceeding in physical mode. And the Court working, it appears repeat worthy, in physical mode commenced on 22.02.2022 as such, the trial was to be concluded within 22.08.2022 but Sir during the such period the then ADJ-1st transferred and the Court became vacant since 03.03.2022 to 05.06.2022, till my joining as ADJ-1st on 06.06.2022. That is why no progress in the trial could be had, owing to the transfer of the then Presiding Officer. As such, Sir from strict calculation, the period of 6 months is yet to be completed.

Sir, it is a serious case where the petitioner Santosh Paswan is facing direct allegation in which the deceased sustained head injuries which led to his final depart. Sir, this matter is at a very advance stage where only a Doctor conducted postmortem and the Investigating Officer are remained to be examined. Sir, steps are being taken to see the production of such witness and examination, so that the Justice may come home. Sir, it appears that another at-least four months are required to expedite the matter and endeavor to see the justice at home.

Sir, kindly appreciate and place this report before the Hon'ble Court.

*Yours faithfully
Additonal District & Sessions Judge-I
Civil Court, Aurangabad"*



From the report so submitted, it seems that the learned Trial Court was less concerned about the non-conclusion of the Trial and more about doing mathematics.

He further ventured into the merits of the case and has made comments which was only uncalled for and the same is deprecated. He is cautioned to be careful in future and limit himself to submitting report.

Accepting the learned Trial Court's own version in toto, this Court directs it to conclude the trial within a period of four months.

If the trial is not concluded by the said period, learned Trial Court shall submit a report to this effect.

The bail application is rejected for the present.

(Rajiv Roy, J)

Jagdish/Neha/-

U		T	
---	--	---	--

