

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.136 of 2019

Arising Out of PS. Case No.-20 Year-1987 Thana- VIGILANCE District- Patna

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Satya Narain Prasad, Son of Late Raghunath Prasad, Resident of village and
P.O.- Jagapakar ,Via Areraj, P.S.- Harsiddhi District East Champaran
... .. Petitioner

Versus

The State Of Bihar, through The Vigilance Bureau of Investigation, Bihar.
... .. Respondent

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Appearance :

For the Petitioner : Ms. Nivedita Nirvikar, Senior Advocate.
For the Vigilance : Mr. Arvind Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 19-09-2022 Heard learned Senior Counsel for the petitioner and

learned counsel representing the Vigilance Investigation Bureau.

The solitary prayer made in this writ application is to

direct the respondent to produce prosecution witnesses and
adduce the evidence so as to conclude the trial in Vigilance Case
No. 20 of 1987 / Special Case No. 76 of 2002 pending in the
court of learned Special Judge (Vigilance), North Bihar,
Muzaffarpur, within a reasonable period.

Ms. Nivedita Nirvikar, learned Senior Counsel for the
petitioner submits that in this case, the case was registered
alleging certain wrong doings in the renovation work of bridges
on Triveni Canal, Ghodasahan Branch Canal during the year
1986-87. It was alleged that the claim was made twice against
the work done. It is stated that the petitioner did not sign the
original measurement book.



Learned Senior Counsel submits that in this case, the charge-sheet was filed on or about 22.08.1990 against the four accused persons including the petitioner for the evidences under Sections 467, 468, 471, 420, 409, 420(B) of the Indian Penal Code and Sections 5(1) and 5(2) of Prevention of Corruption Act. It is further stated that the petitioner got anticipatory bail vide order dated 07.01.1989 and appeared in this case in the learned Trial Court on 24.01.1989. Cognizance has been taken on 28.11.1990 and subsequently vide order dated 19.06.1995 charge was framed and the case was adjourned to 13.07.1995 for evidence.

Learned Senior Counsel submits that the prosecution did not produce any evidence for a long time and thereafter the records were transferred to the Court of learned Special Judge (Vigilance), North Bihar, Muzaffarpur and now the case is numbered as Special Case No. 76 of 2002. In paragraph '13' of the writ application, there is specific statement that the prosecution is not producing witnesses and is not interested in completing the trial.

Learned Senior Counsel submits that the huge delay in completion of the trial is an infringement of right to speedy trial of an accused which has been recognised as a fundamental



right contained under Article 21 of the Constitution of India. It is submitted that the delay has prejudiced the petitioner as even after about 27 years of framing of charge, the trial has not proceeded. She has relied upon the judgment of the Hon'ble Supreme Court in the case of **Hussainaara Khatoon and Others. vs. Home Secretary, State of Bihar, Patna** reported in **AIR 1979 SC 1360** and **A.R. Antulay vs. R.S. Nayak, (1992) 1 SCC 225** to submit that the Hon'ble Supreme Court has time and again held that right to speedy trial is a fundamental right.

Learned Senior Counsel submits that in fact the delay itself is such that the entire prosecution against the petitioner is liable to be quashed.

Since learned Senior Counsel for the petitioner has for the present prayed for a direction to respondent to produce the witnesses and ensure completion of trial within a reasonable time, there cannot be any opposition to such prayer.

Learned Counsel for the Vigilance Investigation Bureau is present.

In the given facts and circumstances, this writ application is being disposed of with a direction to the respondent Vigilance Investigation Bureau to ensure that the witnesses are duly produced in course of trial on each and every



date fixed in the matter. There is already an inordinate delay in this case.

The learned trial court is directed to keep the records on shorter dates and in case, it is found that either of the parties is not co-operating in proceeding with the trial, an appropriate order shall be passed. In any case, the endeavour of the learned trial court shall be to conclude the trial within a period of 6 months from the date of communication of this order.

This writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

