

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1294 of 2017

Arising Out of PS. Case No.-21 Year-2001 Thana- MAKER District- Saran

Ram Kishore Singh, Son of Shri Awadhesh Singh, Resident of Village-
Thahra, P.S.-Maker, District-Saran.

... .. Petitioner/s

Versus

The State Of Bihar through Secretary, Law Department

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Harish Kumar, Advocate
For the Respondent/s	:	Mr.Sunil Kumar Mandal, SC-3
		Mr. Bipin Kumar, AC to SC-3

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

- 12 16-01-2024 Heard learned counsel for the petitioner and the State.
2. Perused the report received from the learned District & Sessions Judge, Saran at Chapra kept at Flag ‘R’.
3. Petitioner in this case is seeking a direction to the learned court below/learned Magistrate to comply with the order dated 17.04.2012 passed by learned Additional District & Sessions Judge (F.T.C.)-V, Saran, Chapra in Criminal Appeal No.35 of 2009 arising out of Maker P.S. Case No.21 of 2001, G.R.No. 1584 of 2001, Tr. No. 793 of 2009.
4. Learned counsel for the petitioner submits that in Criminal Appeal No.35 of 2009, the learned A.D.J. (F.T.C.)-V had modified the order under challenge passed by the learned Magistrate and certain directions have been issued which have

been set out in the order itself.

5. Learned counsel submits that the learned trial court was directed to pass a fresh order on the point of sentence as set out in the order dated 17.04.2012 passed in appeal but till date the learned Magistrate/trial court has not passed a fresh order.

6. Learned counsel for the State submits that in such a case where the appellate order was passed in the year 2012 but it has not been complied with for about 12 years by now, this Court may issue appropriate direction to the District Judge, Chapra at Saran to examine the records of the case and impress upon the learned trial court to pass an appropriate order in the light of the directions/observations of the learned appellate court.

7. Earlier this Court had called for a report from the learned District and Sessions Judge, Saran as to the present status of the case and whether the order dated 17.04.2012 has been complied with or not.

8. After much persuasion the report has been received. From the report so far as the accused Arun Kumar Singh is concerned, in his regard the only information is available that the Probation Officer, Chapra has submitted a character antecedent report of the said accused. The report dated

12.01.2024 submitted by the learned Judicial Magistrate, 1st Class-cum-Additional Munsif, Civil Court, Chapra, Saran does not contain any statement as regards the fact as to whether the order dated 17.04.2012 passed by the learned appellate court has been complied with or not.

9. The copies of the order-sheets enclosed would only show that the order has been recorded earlier only up to 07.03.2009. Thereafter, the orders have been recorded on 02.05.2023 and 25.05.2023. This Court, therefore, gathers from the materials on the record that no order has been passed by the learned trial court in terms of the directions of the learned appellate court but at this stage, this Court would not record its final opinion on this and leave it for the learned District & Sessions Judge, Chapra at Saran to examine the records and find out whether the trial court has proceeded with the matter after remand from the learned appellate court. If the records have not proceeded and the trial court has not passed any order as per direction of the learned appellate court, it would be incumbent upon him to ensure that the records are duly proceeded with and the order of the appellate court is complied with in accordance with law after giving an appropriate opportunity of hearing to both the sides reasonably and preferably within a period of four

months from the date of receipt/production of a copy of this order.

10. This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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