

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.680 of 2024

Arising Out of PS. Case No.-95 Year-2016 Thana- MIRGANJ District- Purnia

Sanjha Devi W/o Dilip Mandal R/o vill - Parasmani, P.S. - Sarsi, Distt -
Purnea

... .. Petitioner/s

Versus

The State of Bihar through the District Magistrate Purnea Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Chandra Bhushan Das, Adv.
For the Respondent/s : Mr. G.P 26

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

2 30-01-2025 This is an application under Article 226 of the
Constitution of India filed by one of the accused, in connection
with Mirganj P.S. Case No. 95 of 2016, for the offence
punishable under Sections 302/201/120(B) of the I.P.C.

2. It is submitted by the learned Advocate for the
petitioner that in respect of the aforesaid case, charge-sheet was
filed on 19th February, 2017. The learned Chief Judicial
Magistrate took cognizance of the offence under Sections
302/201/120(B)/34 of the I.P.C. against the accused persons and
committed the case to the Court of Sessions for trial and
disposal on 20th May, 2017. Subsequently, charge was framed
against the petitioner and other accused persons on 30th May,
2017 and date was fixed for examination of witnesses on behalf
of the prosecution. There are 9 witnesses in the charge-sheet.



3. It is alleged on behalf of the petitioner that from 2017 till date the examination of the witnesses has not been completed. The Medical Officer and the I.O. of this case are yet to be examined. The Investigating Officer fails to produce the said witnesses and, therefore, the trial of the case could not be concluded.

4. Under such premises, it is submitted on behalf of the petitioner that trial court may be directed to conclude examination of remaining two witnesses within a certain period of time and trial of the case may be closed.

5. Learned Advocate on behalf of the respondents submits that he does not have any objection, if any such direction is made by this Court.

6. Right to have speedy trial of a case is considered as fundamental right and violation thereof cannot be warranted. It is the duty of the prosecution agency to produce witnesses on behalf of the prosecution during the trial of a Sessions Case. If the prosecution fails to produce the witnesses, law will take its own course. For this reason, trial of a Sessions Case cannot be lingered for an unlimited period of time.

7. For the reasons stated above, the instant writ petition is disposed of directing the Presiding Officer being the



learned Additional Sessions Judge-V, Purnea to conclude the recording of evidence, in Sessions Trial No. 192 of 2017, within three months from the date of communication of this order.

8. The period of time granted by this Court shall be treated to be peremptory.

9. With the above order, the instant writ petition is disposed of.

(Bibek Chaudhuri, J)

pravinkumar/-

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

