IN THE HIGH COURT OF JHARKHAND AT RANCHI
Criminal Appeal (DB) No. 727 of 2026

Shivnarayan Singh @ Master … … Appellant

Versus

State of Jharkhand … … Respondent

CORAM: HON'BLE MR. JUSTICE SUJIT NARAYAN PRASAD
HON'BLE MR. JUSTICE ARUN KUMAR RAI

For the Appellant : Mr. Vishal Kr. Rai, Advocate
Mr. Harsh Ladia, Advocate
For the Respondent : Mr. V.S. Sahay, A.P.P.

05/Dated: 15th September, 2026

1. Reference may be made to the order dated 07.09.2026, whereby and whereunder, in a situation of non-production of witnesses, explanation has been called for from the Secretary, Department of Home, Jail & Disaster Management (Home) Government of Jharkhand, the Director General of Police, Jharkhand and the S.P. Khunti as to why the witnesses are not being produced in the Court. Further explanation has been called for that if the witnesses have not been produced, then, what action has been taken by the Secretary, Home and the D.G.P., Jharkhand, the action said to be contrary to the policy decision/order already formulated in the year 2024.

2. Mr. V.S. Sahay, learned Additional Public Prosecutor for the respondent-State has submitted that the three affidavits, on behalf of Additional Chief Secretary, Department of Home, Prison & Disaster Management, Govt. of Jharkhand; the Director General of Police, Jharkhand and; Superintendent of Police, Khunti, are ready but the same could not have been filed, as such, he has prayed to accept the same in the Court.

3. It has been submitted that the copy of all the three affidavit have been supplied to the learned counsel for the appellant.

4. Considering the same, let the affidavits be taken on record with the direction upon the Office to proceed further for the purpose of scanning all the affidavits.

5. This Court has gone through the affidavit filed on behalf of the Additional Chief Secretary, Department of Home, Prison & Disaster Management, Govt. of Jharkhand, wherein, it has been stated *inter alia* that vide memo no.5810 dated 10.09.2026, necessary directions have been issued to all the concerned officers to ensure presence of witnesses in the Court and submit the report before the department accordingly.

6. It has further been stated that the district prosecution office, Khunti has informed that in the present matter, the prosecution has examined all the witnesses named in the charge-sheet.

7. This Court has also gone through the affidavit filed on behalf of the Director General of Police, Jharkhand wherein it has been stated that to ensure the appearance of the witnesses on time before the concerned learned trial court, the Court Process Management System is being used. The Nodal Officer has been conferred with the power to initiate departmental proceeding against the witness (police personnel) if they fail to appear before the learned court and a procedure has been formulated by formulating a performa. So far as the present case is concerned, it has been stated that all the witnesses have been examined.

8. Same is the statement made in the affidavit filed on behalf of the Superintendent of Police, Khunti.

9. Although the affidavits have been filed as referred above but there is no explanation in all the affidavits filed on behalf of the Additional Chief Secretary, Department of Home, Prison & Disaster Management, Govt. of Jharkhand; the Director General of Police, Jharkhand and; Superintendent of Police, Khunti said to be in pursuance of the order passed by this Court, particularly at paragraph-23, dated 07.09.2026 wherein the explanation has been sought for as to what action has been taken by the Secretary, Home and the D.G.P., Jharkhand, the action said to be contrary to the policy decision/order already formulated in the year 2024.

10. It needs to refer herein that in the identical situation, this Court had passed an order on 26.09.2024 in Criminal Appeal (DB) No. 1009 of 2024 and based upon the same, it was informed on behalf of the State that a policy decision has been formulated sometime in the year 2024

laying down the stages of monitoring of appearance of witnesses on being summoned from the district level at the level of the S.P. of the concerned district to be followed at the headquarters and finally the ADG (CID). Relevant paragraphs of the said order are being referred as under:

> *"...*
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> *6. This Court is to take note of the order passed in Criminal Appeal (DB) No. 573 of 2023 dated 07.08.2024 wherein the detailed order was passed to monitor the appearance of the witnesses so that the trial be disposed of without any delay.*
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> *7. The Chief Secretary of the State has also agreed and thereafter reiterating the policy decision taken by the State in the year 2014, a new policy decision was also formulated in the year 2024 wherein as per the new policy decision, decision has been taken to monitor the appearance of the witnesses on being summoned at three stages, i.e., first at the district level to be headed by the S.P. of the concerned district; the ADJ Operation Level at the district of the Police Headquarter and finally the ADG (CID).*
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> *8. The State is to explain that why the said policy decision has not been followed in the present case as there is no examination of the witnesses in such a brutal crime related to crime against women in which women has first been killed and thereafter, was set on fire by pouring the explosive, i.e., petrol.*
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> *9. The question is that if the appellant is innocent then why he will remain in custody but another question is that the State when has found evidence then the same needs to be examined by the learned trial court which will only be done if the trial will be concluded but herein it appears, based upon the submission made on behalf of the appellant, that none of the witness has been examined even though the charge has been framed."*

11. The affidavits which have been filed on behalf of the Additional Chief Secretary, Department of Home, Prison & Disaster Management, Govt. of Jharkhand; the Director General of Police, Jharkhand and; Superintendent of Police, Khunti are lacking with the explanation as to why, even though the policy has been formulated for the purpose to take strict action against the erring officials who are not being presented for his/her/their examination before the court concerned even though the summons are being issued but even then, the same situation has occurred compelling this Court to pass order again afresh in the present case.

12. The policy decision has been formulated in the year 2024 and as such, there cannot be any dispute that if the State has formulated a policy, then, without any suspicion in the mind, the said policy decision is to be acted upon but when it was not found to be acted upon, then, this Court was compelled to pass the order on 07.09.2026 as quoted and referred

hereinabove but it is evident that the situation of non-appearance of the witnesses are still persisting.

13. It is not relevant for this Court that as to why witnesses have not been produced in the present case rather based upon the policy decision formulated by the State, the system is to act so that the witnesses may appear immediately after receipt of the summon and if there is failure on the part of the witnesses then, automatic course is to initiate a departmental proceeding by taking appropriate decision to that effect.

14. The specific order was passed as referred in paragraph-23 in the order dated 07.09.2026 calling upon the explanation as to why there is failure in the effective implementation of the policy formulated in the year 2024 but, there is no such explanation, save and except, the statement that in the present case, all the witnesses have been produced.

15. Such statement made in these affidavits, therefore, clarifies that this Court is to pass order on case-to-case basis. If that be so, then, for what purpose the policy decision of the year 2024 was formulated, the same needs to be explained.

16. The policy decision was formulated in the year 2024 with the specific decision therein that if the witnesses will not be produced, it will be subject to departmental proceeding.

17. This Court, therefore, is of the view that the affidavits which have been filed are not in strict terms of the direction passed by this Court vide order dated 07.09.2026, particularly at paragraph-23, therefore, the concerned officers are again given opportunity to explain and that explanation will only be there if the action would have been taken in pursuance of the policy decision of the year 2024 across the State in a situation of non-production of the witnesses.

18. Let the explanation along with the action taken report upon the witnesses, who have not been presented in the Court in spite of the summons, be brought on record for the purpose of passing further necessary order.

19. So far as the statement made in paragraph-14 of the affidavit filed on behalf of the Director General of Police, Jharkhand is concerned, let the

said statement be supported by the relevant documents so as to consider as to whether in pursuance of the issuance of the show cause, any proceeding has been initiated against such erring officials or not.

20. Accordingly, as prayed for on behalf of the State, let this case be listed on 01.10.2026.

(Sujit Narayan Prasad, J.)

(Arun Kumar Rai, J.)

15th September, 2026

Saurabh/-