

(2011) 08 JH CK 0047

Jharkhand High Court

Case No: Writ Petition (Cr.) No. 72 of 2010

Narendra Pratap Singh

APPELLANT

Vs

The State of Jharkhand and
Others

RESPONDENT

Date of Decision: Aug. 12, 2011

Acts Referred:

- Penal Code, 1860 (IPC) - Section 302

Hon'ble Judges: Rakesh Ranjan Prasad, J

Bench: Single Bench

Judgement

R.R. Prasad, J.

Learned Counsel appearing for the Petitioner submits that one Nirmal Kumar Singh was convicted for the offence u/s 302 of the Indian Penal Code and was awarded sentence for life in Sessions No. 20/80.

2. Thereupon Nirmal Kumar Singh, preferred a Cr. Appeal No. 89 of 1986 and was granted bail during the pendency of the appeal, but that appeal ultimately got dismissed, vide judgment dated 03.08.1988.

3. As against that judgment, Nirmal Kumar Singh preferred SLP (Cr.) No. 2398-99 of 1988 which was dismissed for default as surrender certificate could not be filed in spite of ample opportunities being given to him.

4. Thereupon, Nirmal Kumar Singh never surrendered before the court below. In course of time, it was detected that said Nirmal Kumar Singh has been residing at Varanasi by changing his name as Narendra Pratap Singh. Thereupon he was apprehended and was remanded to jail custody and was made an accused for committing offence of forgery and is being prosecuted in Dhanbad (Bank More) P.S. Case No. 393 of 2006.

5. When the Petitioner was remanded to serve sentence of life, an application was filed before this Court vide W.P.(Cr.) No. 193 of 2008 for quashing of the order passed by the Court remanding him to jail custody for serving out the sentence of life. That application was dismissed on 13.05.2009 but while dismissing the criminal writ application, learned Judicial Magistrate, 1st Class, Dhanbad, who was in seisin of the case, bearing Dhanbad (Bank More) P.S. Case No. 393 of 2006, was directed to conclude the trial at the earliest, preferably within a period of six months.

6. Now the Petitioner, after two years of the passing of the order dated 13.05.2009, has moved to this Court, raising his grievance that still trial could not be concluded.

7. Earlier when the case had been taken up, a report was called for from the court concerned. Pursuant to that, a report has been submitted stating therein that the trial could not proceed, as the original record has been sent in connection with another Cr. Appeal before learned Sessions Judge, Dhanbad and since the original record was not there, he was not aware that within the time stipulated by this Court, the trial had to be concluded.

8. Be that as it may, fact remains that the trial needs to be concluded at the earliest as the question of life and liberty of a person is involved in this case.

9. Accordingly, this writ application is disposed of with a direction to the trial court to conclude the trial within a period of four months from the date of receipt/production of a copy of this order.