

(2011) 08 JH CK 0066

Jharkhand High Court

Case No: Writ Petition (Cr.) No. 213 of 2004

Mahatam Singh

APPELLANT

Vs

The State of Jharkhand and
Others

RESPONDENT

Date of Decision: Aug. 19, 2011

Acts Referred:

- Criminal Procedure Code, 1973 (CrPC) - Section 156(3), 82, 83

Hon'ble Judges: Prakash Tatia, Acting C.J.

Bench: Single Bench

Judgement

Prakash Tatia, A.C.J.

1. Alleging that the writ Petitioner's daughter, Rita, was murdered by the accused persons, a complaint case was submitted in the Court of Additional Chief Judicial Magistrate, Simdega on 16.07.1996, which was sent for investigation to the Officer-in-Charge, Simdega Police Station u/s 156(3) Code of Criminal Procedure The charge-sheet was submitted showing 11 persons as absconders and according to the Petitioner, one of the accused is now dead. It appears that processes under Sections 82 and 83 Code of Criminal Procedure were initiated. It also appears that in the year 1996 ten accused persons submitted Criminal Misc. Petition bearing Cr.M.P. No. 6301 of 1996 (R) before the High Court for getting the criminal case quashed and that was dismissed. The accused persons again moved the High Court by filing Cr. Writ Petition bearing Cr. W.J.C No. 28 of 1997 (R) Santosh Kumar Singh and Ors. v. The State of Bihar and Ors. and that too was dismissed on 27.08.1997. It is also stated that the accused persons were moving freely and submitting show cause even though they have been shown as absconders. Lastly, the Petitioner has submitted I.A. No. 1047 of 2011 complaining that even after more than 13 years, the accused persons have not been apprehended. It appears from the order dated 11.01.2010 that even D.G.P, Bihar as well as D.G.P, Uttar Pradesh were made party and notices were sent to those authorities, in view of the contention of the State of

Bihar that accused may be in the State of Uttar Pradesh.

2. At this juncture, it appears that the State of Jharkhand, particularly the Police Authorities, failed to appreciate that it is their duty to apprehend the accused wherever they may be and for that purpose no direction is needed from the Court.

3. In view of the above reasons, the D.G.P., Jharkhand is directed to look into the matter and submit a complete status report with respect to the efforts made for finding out the accused persons who are absconders for more than 13 years. In case, the Court is not satisfied with the efforts taken and the accused persons are not apprehended, then the Court may call the D.G.P., Jharkhand to remain present in Court on a future date. The status report will be filed on or before 19th September, 2011.

5. Put up this case on 19th September, 2011.