

SESSIONS CASE NOS.19 OF 2013**Exh.96****ORDER**

1. This Sessions case has been committed in the year 2013.
2. It may be pertinent to note that in this matter, till this date, original case papers with D.E. List and Muddamal have not been produced, hence, charge is not framed. Two accused are Under Trial Prisoners, and still trial has not commenced due to non-submission of original case papers and Muddamal.
3. It may be pertinent to note that this matter has come before this Court on date 1.12.2014. Thereafter, it was adjourned to 22.12.2014, 23.02.2015, 17.03.2015 and 31.03.2015.
4. It may be pertinent to note that Abdul Jamal, one of the accused had filed bail application before this Court on 23.02.2015. It was categorically stated that though two years are passed, no charge is framed and trial has not begun. It is pertinent to note that said application was rejected as it was successive bail application, by order dated 17.03.2015 and one Ld.A.P.P. had also contested the said bail application.
5. It may be pertinent to note that thereafter also, several dates are passed, it was told to all Advocates for accused to see that all

accused remain present so that charge can be framed. On date 23.02.2015, Abdul Jamal was granted Advocate from Legal Aid, as the earlier Advocate given to him from Legal Aid had expired. Thereafter, on 17.03.2015, several accused were not present, hence, it was adjourned on 31.03.2015.

6. On 31.03.2015, as one accused was not present, hence, in his application for exemption, order of cost was passed which is deposited today, on 4.4.2015.

7. Now, after going through all the history of this case, what has come to mind of this Court is the carelessness and callousness of prosecution. Though in March, 2013, this matter is committed, till this date, i.e., 4.4.2015, no original papers with D.E. List is produced. It is more surprising to note that today, Ld. A.P.P. Ms.Vaghela tendered Purshish and declared that she has on 17.11.2014 already informed D.G.P. that she has retired from this matter. She has orally submitted that as Learned Advocate Mr.D.A.Yadav is representing case of the accused, she being in same office, can not participate in this case.

8. It is required to note that since, for one of the accused Mr.D.A.Yadav is appearing and she is from same office, naturally, she is not desirous of going on with this matter. But, again, it is required to be noted that, why till this date, no other A.P.P. has been appointed, is not clear.

9. On one hand, State Government is bearing huge expenses in producing U.T.P. Accused before this Court and on the other hand, Learned A.P.P. & D.G.P., are not taking any steps for providing original papers. It may be pertinent to note that even all the other accused, almost 7 to 8, are remaining present, their Advocates are remaining present, but, no one from A.P.P. side has bothered to remain present from 1.12.2014 till this date.

10. This matter has been adjourned for framing charge, from time to time, even exemption report was granted last time on condition of depositing cost, Police bandobast is regularly coming from Jamnagar, huge expenses are being incurred by State, but, indifferently and non-chalantly, no original papers are being filed. Today, Ld. A.P.P. Mr.A.V.Jobanputra has filed appearance and assured that by 10.04.2015, he will tender original papers.

11. This approach of prosecuting agency is to be condemned and deprecated. Time and again, it has been seen that due to lack of adequate team or due to lack of willingness on the part of respective D.G.P./A.P.P., matters do not proceed further. This is also one more example.

12. In this case for more than two years original case papers are not supplied, and no steps are taken by any Competent Officers. The trial has yet not begun, when original papers are not available no blame can be casted on accused.

13. Today, last date is granted to Ld.A.P.P. Mr.Jobanputra to submit original papers by 10.04.2015, failing which, appropriate order will be passed including cost..

Copy of this order be sent to the Ld.District Magistrate/Collector, Junagadh and The Secretary, Legal Department, Gandhinagar.

Signed & Pronounced in the open court today on this 4th day of April, 2015.

**JUNAGADH
Dt:04.04.2015**

**(Mr.NEHALBHAI RAJESHBHAI JOSHI)
3rd ADDL.SESIONSJUDGE,
JUNAGADH.
GJ01318**