

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Appeal (DB) No. 855 of 2024

Arun Kumar @ Arun Turi	...	...	Appellant
	Versus		
The State of Jharkhand		...	Respondent

**CORAM :HON'BLE MR. JUSTICE SUJIT NARAYAN PRASAD
HON'BLE MR. JUSTICE NAVNEET KUMAR**

For the Appellant : Mr. Mohit Prakash, Advocate
For the Respondent : Mrs. Kumari Rashmi, APP

Order No. 06 : Dated 12th November, 2024

- 1.** We have heard the matter on 30th September, 2024 and called for the case diary, criminal antecedent report of the appellant as also the status of trial from the Court concerned.
- 2.** Accordingly, the case diary, criminal antecedent report has been received and counter affidavit has been filed by the respondent-State.
- 3.** The order which is under challenged is the order dated 15.04.2024 passed in Cr. Application No. 157 of 2024 by the learned Additional Sessions Judge-I, Simdega in connection with S.T. Case No. 66 of 2019(A) arising out of AHTU P.S. Case No. 18 of 2015 corresponding to G.R. No. 311 of 2015 for the offence under Section 363/370(4) of the Indian Penal Code and 23/26 of the Juvenile Justice Act, whereby the prayer for bail of the appellant has been rejected.



- 4.** In course of argument, learned counsel for the parties has submitted that female child, who was subjected to trafficking sometimes in the year 2010 for which FIR was though lodged sometimes in the year 2015, is still traceless. It has further been submitted that the in the year 2010, when the victim was subjected to trafficking, the age of the victim was ten years only.
- 5.** We, after going through the case diary, has found that the investigation against all the accused persons is complete and investigation has been closed but still the female child is traceless.
- 6.** In view thereof, this Court has put a pin-pointed question to the learned Additional Public Prosecutor appearing for the State that the victim child is missing since the year 2010 what steps have been taken in order to trace out the victim, even after lodging of the First Information Report by the informant in the year 2015, and why no statement has been recorded of the appellant even to know about the whereabouts of the victim by getting any clue from the appellant who is in judicial custody on remand from another case since 07.02.2024 showing *bona fide* action on the part of prosecution to know the whereabouts of the victim.
- 7.** This Court has got very much perturbed due to the non-concern shown by the investigating agency in a case



where the female child having the age of 10 years is traceless since 2010 but even minimum requirement to get the clue of the said victim, by recording the statement of the present appellant against whom the allegation is that he while running a placement center has placed the victim to a house for domestic help, has not been fulfilled.

8. In view thereof, the Superintendent of Police, Simdega is directed to file an affidavit stating therein that what steps have been taken to trace out the victim, who is traceless since 2010. Further, the Superintendent of Police, Simdega is also directed to explain as to why the statement of the present appellant has not been recorded by the investigating agency even though the appellant is in judicial custody on remand from another case since 07.02.2024.

9. Further, we have called for the status of the trial wherefrom it is evident that though charge was framed on 21.03.2024 but as yet there is no significant progress in the trial.

10. The reason for such explanation is that when the charge-sheet has already been submitted and even the charge has also been framed on 21.03.2024 but the statement of the appellant has not been recorded, which



shows the perfunctory investigation as has been conducted by the prosecution.

11. The further consideration which has been taken note by this Court is that penal offence under Section 370 IPC, earlier to bringing the said penal offence under schedule (1) to the National Investigation Agency, was only a penal offence and the reason for bringing this penal offence under Schedule I to the NIA within the meaning of Section 2(f) thereof, was to make this penal provision more rigorous so that the issue of trafficking could be tackled properly and efficiently so as to give a message to the society that if anybody is found to be involved in trafficking, such accused persons shall be dealt with strictly.

12. Let the affidavit be filed by the Superintendent of Police, Simdega.

13. Since the matter of trafficking is very serious, as such the Director General of Police, Jharkhand and the Secretary, Home, Jail & Disaster Manager, Govt. of Jharkhand as also the Secretary, Social Welfare Department, Govt. of Jharkhand are also directed to file affidavit in this regard.

14. The Superintendent of Police, Simdega and the Investigating Officer of the case is directed to appear in person on the next date of hearing.



15. Today, this Court is not passing order on merit of the present appeal taking into consideration the aforesaid aspect of the matter and for the said purpose also the matter is adjourned.

16. List this case on 27.11.2024.

(Sujit Narayan Prasad, J.)

(Navneet Kumar, J.)

Alankar/