

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl.) No. 3086/2000

(From the judgement and order dated 04/07/2000 in CRLM 28433/99  
of The HIGH COURT OF PATNA)

PREM CHAND KAHAR @ PREM KUMAR

Petitioner (s)

VERSUS

STATE OF BIHAR

Respondent (s)

( With Appln(s). for bail )  
( With Office Report )

Date : 15/01/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.T. THOMAS  
HON'BLE MR. JUSTICE R.P. SETHI

For Petitioner (s) Mr. K.B.Sinha,Sr.Adv.  
Mr. Aftab Rasheed,adv.  
Mr. Mukesh K. Giri,Adv.

For Respondent (s) Mr. B.B.Singh,adv.

UPON hearing counsel the Court made the following  
O R D E R

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After hearing Mr. K.B.Sinha, learned senior counsel in extenso we are not disposed to release the petitioner on bail, since all the contentions raised by him are matters to be adverted to by the trial court at the final stage. We, therefore, decline to make any finding on those contentions and leave it to the petitioner to raise them before the trial court at the proper time. Mr. Sinha, learned senior counsel then made a plea that the trial court be directed to expedite the trial as already about three years have been lapsed since the arrest of the petitioner, and that the delay thus far caused was not attributable to him at all.

The delay in committing the case by the Sessions Court was entirely on account of the factors for which petitioner is totally innocent. The petitioner was not produced before the committal court in spite of repeated orders passed for his production. The Inspector General, Prison has now reported that the petitioner could not be produced as the production warrants did not reach the jail authorities. We do not want to pin point the officer responsible for the aforesaid lapse. It could be that the production warrants did not reach the jail due to the lapses at the office of the court itself. Whatever it be,

the fact remains that considerable time had been lost in between.

We, therefore, direct the trial court to expedite the trial. The case shall be posted for recording the plea of the accused within one month from the date of receipt of the copy of this order. Thereafter the court shall fix the schedule of the dates, possibly in strict compliance with the requirement contained in Sec.309 of the Code of Criminal Procedure and the whole trial should be closed within six months from the date of recording the plea of the accused. There is no reason to delay the plea to be recorded. The Sessions Judge concerned shall send a report regarding the progress of the trial to the Registrar of the High Court of Patna within four months from today. With above directions and observations the Special Leave Petition is disposed of.

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(Suman Wadhwa)  
PA to Addl.Regr.

(H.K. Bhatia)  
Court Master