

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

CRIMINAL APPEAL NO(s). 296 OF 2009

CHANDRIKA PRASAD YADAV Appellant (s)

VERSUS

STATE OF BIHAR & ORS. Respondent(s)

(With office report for direction)

Date: 03/09/2012 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE AFTAB ALAM
HON'BLE MRS. JUSTICE RANJANA PRAKASH DESAI

For Appellant(s)

Mr. Rajiv Shankar Dvivedi, Adv.

For Respondent(s)

Mr. Gopal Singh, Adv.

UPON hearing counsel the Court made the following

O R D E R

Mr. Gopal Singh, learned standing counsel for the State of Bihar, files today in Court "the Fourth Status Report" setting out the "progress" of the investigation till August 29, 2012.

We think it is a misnomer to call it a Progress Report as the investigation is stalled, according to the report, due to the fact that Ajay Rai, the maternal uncle of the missing girl Ruchi Kumari, is absconding. It was stated in the earlier reports that it was Ajay Rai who was instrumental in facilitating the escape of the girl (along with other girls) from the remand home. On an earlier occasion, Ajay Rai had also filed an affidavit expressing his consent to undergo a Narco test. But, thereafter, he has disappeared and for that reason the investigation is not making progress.

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It is stated before us that the Police is not taking any coercive measure to apprehend Ajay Rai on account of the pendency of this appeal before this Court.

We fail to see why the pendency of this matter before this Court should come in the way of the police in apprehending Ajai Rai by following the due process of law. We make it clear that it is open to the police to carry out and complete the investigation and if need be to apprehend Ajay Rai and subject him to the requisite tests following the procedure established by law.

Put up after two months.

It is expected that, in the meanwhile, the investigation will be complete and the State of Bihar will be in a position to apprise the Court regarding the circumstances in which the girls were able to flee away from the remand home.

|(N.S.K. Kamesh)

| |(Sneh Bala Mehra)

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|Court Master

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