

**(2011) 04 JH CK 0116**  
**In the Jharkhand High Court**  
**Case No : Criminal M.P. No. 198 of 2011**

Dr. Kamal Shankar Shrivastava

APPELLANT

Vs

The State of Jharkhand

RESPONDENT

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**Date of Decision :** 01-04-2011

**Acts Referred:**

Criminal Procedure Code, 1973 (CrPC) — Section 482  
Penal Code, 1860 (IPC) — Section 34, 409, 420, 467, 468

**Citation :** (2011) 04 JH CK 0116

**Hon'ble Judges :** Dilip kumar sinha, J

**Bench :** Single Bench

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## Judgement

D.K. Sinha, J.—Petitioner has invoked the inherent jurisdiction of this Court u/s 482 of the Code of Criminal Procedure for quashment of his entire criminal proceedings in connection with Manjhari P.S. Case No. 25 of 1998, corresponding to G.R. No. 505 of 1998 pending before the Additional Chief Judicial Magistrate, Chaibasa for the alleged charge under Sections 420/467/468/471/409/34 of the Indian Penal Code.

2. Learned senior counsel Mr. Mazumdar, at the outset, submitted that the Petitioner has been denied his speedy justice as he is facing protracted trial since the very inception of FIR on 14.12.1998. It would be relevant to mention that sanction for criminal prosecution of the Petitioner was accorded on 28.5.2004 but the charge-sheet was submitted much long thereafter on 8.12.2005. The case of the Petitioner was amalgamated on 19.6.2006 and thereafter the charge was framed against him on 6.7.2006.

3. Mr. Mazumdar further submitted that P.W.-1 was examined on 31.8.2006; P.W.-2 was examined after about two years on 20.6.2008; P.W.3 was examined on 20.6.2008 and 21.6.2008. Similarly, P.W.-4 was examined on 21.6.2008 and 23.6.2008, but P.W.-5 was examined much after on 25.7.2008. P.W.-6 was examined on 25.7.2008 and the informant P.W.-7 was examined in part on 24.9.2010. It is submitted that informant of the case was lodged at Hotwar Jail in

connection with Sonahatu P.S. Case No. 34/2007 and has not been produced and therefore, the informant and other witnesses were yet to be examined and their attendance could not be procured in the witness box.

4. Mr. Mazumdar submitted that time frame may be given for six weeks for conclusion of trial in view of the fact that the Petitioner is suffering the rigours of protracted trial for the long twelve years since the date of institution of the FIR.

5. Mr. Lal, the learned A.P.P. appearing for the State concedes for the time frame for conclusion of the trial of the case.

6. Having regard to the facts and circumstances of the case, I find substance in the argument of the learned senior counsel appearing on behalf of the Petitioner that he has been suffering the rigours of protracted trial for the long twelve years. Accordingly, Additional Chief Judicial Magistrate, Chaibasa is directed to issue production warrant as against the informant of the case so that his evidence may be concluded in the trial court and thereafter he may issue summons to the remaining witnesses, on their present and correct address. Entire exercise of the trial and judgment must be concluded preferably within eight weeks.

7. With these observations, this petition is disposed of.

8. Let the order be communicated through FAX on the cost to be deposited on behalf of the Petitioner.