

(1986) 12 SC CK 0009

In the Supreme Court Of India

Case No : Writ Petition (Criminal) No. 563 of 1986 with Special Leave Petition (Criminal) No. 2255 of 1986

Ramesh Kumar Singh

APPELLANT

Vs

State of Bihar and Others

RESPONDENT

Date of Decision : 17-12-1986

Acts Referred:

Constitution of India, 1950 — Article 32

Citation : (1986) 2 SCALE 1256 : (1987) SCC 335 Supp : (1987) 1 SCC 335 Supp

Hon'ble Judges : Ranganath Misra, J; M. M. Dutt, J

Bench : Division Bench

Final Decision : Disposed Of

Judgement

1. The petitioner makes allegation in the Writ Petition under Article 32 of the Constitution that judicial remand is being obtained from the court where he is being tried without his being produced in the Court on the dates fixed and that this is non-compliance of the mandatory provision of the CrPC. It transpired from the records that the petitioner is being prosecuted for eight separate : offences, some are pending in the Court of Addl. Chief Judicial Magistrate, Barh, and some in the Courts at Patna. In the Counter Affidavits, assertion has been made that the petitioner is being produced as and when the cases are posted in both the Courts and copies of some production warrants have been filed in support of such plea. Having gone through records and after hearing counsel, we are inclined to agree with Mr. Jain that the material produced, does not support that on everyday the petitioner has been produced. We also believe that the High Court proceeded on the footing that production of the petitioner in different courts was not regularly done. We are, however, not prepared to accept Mr. Jain's contention that on account of such non-production and the detention having become illegal, the petitioner has become entitled to be released on bail at this stage.

2. Mr. Jai Narain has assured us that steps shall be taken to ensure that the

petitioner, and for that matter every undertrial prisoner would be produced before his or her trial court as and when the cases are posted and judicial remand is sought for. This matter should ordinarily be looked into by the respective Chief Judicial Magistrates or the Sessions Judges. If attention is given at that level, the problem of non-production would not occur. We hope and trust that the assurance given by Mr. Jai Narain would be strictly worked out and we direct that the Chief Judicial Magistrate as also the Sessions Judge in the respective jurisdictions would look into this aspect to ensure that the assurance given on behalf of the State of Bihar is implemented without any failure.

3. Mr. Jain has asked us to grant some compensation on the ground that the petitioner has been illegally detained. In view of the assurance given by Mr. Jai Narain, we do not propose to award any compensation. The petitioner shall have costs of this proceedings assessed at Rs. 500/-.

4. Both the Writ Petition and SLP are disposed of accordingly.