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**IN THE HIGH COURT OF JHARKHAND AT RANCHI**

**B.A. No. 8268 of 2018**

Prabhakar Mandal

..... Petitioner(s).

Versus

State of Jharkhand

..... Opp. Party(s)

**CORAM : HON'BLE MR. JUSTICE ANANDA SEN.**

FOR THE PETITIONER(S) : Md. Zaid Ahmad, Advocate  
FOR THE STATE : A.P.P.

04/29.03.2019

Status report of the trial was called for in this case.

The report dated 25.02.2019 suggests that charge has been framed in this case on 12.01.2018. It also suggest that out of five witness none has been examined.

This is not a solitary instance. In number of cases, this Court has found that in spite of steps taken by the Trial Court, including issuance of notices to the Investigating Officer/Officer-in-Charges/Superintendent of Police or even after issuance of bailable warrant of arrest, the witnesses are not being produced. Moreover, in many of the cases, the witnesses are official witnesses like Doctors, Investigating Officers etc. who also do not appear in Court or are not produced. As the witnesses are not produced, trial lingers for an indefinite period which adds to the ever increasing numbers. It is the duty of the prosecution to produce the witness. Now, it is high time that responsibility should be fixed upon officers in respect of production of witnesses.

Thus, I direct that henceforth the Officer-in-Charge of the respective police station under whose jurisdiction the crime has been committed and the FIR is registered, will be responsible for producing the witnesses in the Court. Trial Court will sent notices to the Officer-in-charge of the concerned police station, through APPs or otherwise for production of witness. On receipt of such notice the Officer-in-Charge himself or his nominated representative will produce the witnesses in the Court on the date so fixed. Failure to produce the witness will have to be explained by the Officer-in-Charge of the police station. The trial court will be free to recommend action against the Officer-in-Charge if witnesses are not produced within time.

Let this order be communicated to the Director General of Police, Jharkhand, so that the same may be circulated to all the police stations in the State with necessary direction/order from his end.

The copy of this order will also be communicated to the learned Advocate General. A copy of this order will also be circulated to all the Principal, District & Session Judges for communicating to all the Court within their jurisdiction, through Registrar General of this Court.

So far as this case is concerned, the Superintendent of Police, Rajmahal will file explanation as to why the witnesses are not being produced.

List this case after three weeks.

Prima/CP 3

Sd/-  
(Ananda Sen. J.)  
True Copy  
Secretary/St.-P.A./P.A.  
2/11/2019

