

inder Pal Singh Vs. State

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Court : Delhi

Decided On : Oct-28-1993

Reported in : 52(1993)DLT585

Judge : Anil Dev Singh, J.

Acts : [Constitution of India](#) - Article 21

Appeal No. : Criminal Miscellaneous (Main) Appeal No. 2069 of 1993

Appellant : inder Pal Singh

Respondent : State

Advocate for Pet/Ap. : J. Sethi and; G.S. Vashisht, Advs

Judgement :

Anil Dev Singh, J.

(1) It is unfortunate that the only eye witness is not being produced before the Trial Court by the prosecution for recording his statement for the last five years.

(2) It is the bounden duty of the prosecution to produce all the witnesses on the date fixed by the Trial Court and it is no justification to say that the witnesses are not being served. The matter cannot be allowed to be proceeded like civil matters. It seems that the prosecution agency has forgotten its cardinal duty to produce

prosecution witnesses on the dates fixed by the Trial Court for recording their statements. Non production of prosecution witnesses on due dates impedes and delays the Trial resulting in miscarriage of justice and violation of Article 21 of the Constitution. It is not the only case in which the prosecution is taking the plea that the witnesses are not being served.

(3) Considering the fact that Trial started in the year 1988 and the only eye witness. Sh. Prithpal Singh, has not appeared for the last about five years, it is directed that the State must produce the said witness on the next date fixed by the Trial Court. In case Sh. Prithpal Singh is not produced on the next date, the petitioner will be entitled to bail and it will be open to him to move the learned Additional Sessions Judge for this purpose. With these observations the petition stands disposed of. Copy of this order be sent to the Commissioner of Police.

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