

Dilip Kumar Mukherjee Vs. Central Bureau of Investigation and ors.

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Court : Kolkata

Decided On : Jun-08-2007

Reported in : 2007(4)CHN278

Judge : S.P. Talukdar, J.

Acts : West Bengal Societies Registration Act, 1961; ;[Khadi and Village Industries Commission Act, 1956](#); ;Indian Penal Code (IPC) - Sections 120B, 409, 420, 467, 468, 471 and 477A; ;[Code of Criminal Procedure \(CrPC\) , 1973](#) - Sections 207 and 482; ;[Constitution of India](#) - Article 21

Appeal No. : C.R.R. No. 794 of 2005

Appellant : Dilip Kumar Mukherjee

Respondent : Central Bureau of Investigation and ors.

Advocate for Def. : Ranjan Kumar Roy, Adv.

Advocate for Pet/Ap. : Naranarayan Gooptu, ;Krishnendu Gooptu, ;Ayan Bhattacharjee and ;Debashih Kar, Adv.

Judgement :

S.P. Talukdar, J.

1. Opposite party No. 2, R.K. Sethy, on the basis of information lodged FIR against the present petitioner being the Secretary, Nataraj Khadi Shilpa Samity, District-Bankura. It was alleged that the present petitioner and some other unknown persons entered into a criminal conspiracy with dishonest intention to cheat the Government of India and pursuant thereof, they had formed a Co-operative Society named as 'Natraj Khadi Shilpa Samity', Village & Post Office-Kakatia, District- Bankura and also at 16, Ichlabad Road, Burdwan. The said society was registered with the Government of West Bengal on January 02, 1982. They managed to obtain recognition as a 'Certified Institution' by the Khadi and Village Industries Commission, Government of India. It was alleged that the petitioner along with the said unknown persons managed to obtain interest free loan from the said Commission towards capital expenditure and working capital in order to produce 'Silk Khadi'. But they utilized the same for their personal gain and prepared fake and forged documents showing production of silk by their 'Samity' in order to obtain further assistance.

2. Thus, the petitioner and such persons succeeded to cheat the Government of India through the said commission to the tune of Rs. 14.35 lakhs that was outstanding till November 30, 1992.

3. On the basis of such information, the RC. II/S/1992-Cal, was registered under Sections 120B, 420, 467, 468 and 471 of the Indian Penal Code.

4. Opposite party No. 2, being the Inspector of the Bureau, was entrusted with the investigation. On 23rd November, 1994, the said authority after completion of investigation submitted chargesheet against the petitioner and one Narayan Chandra Dalai.

5. Learned Court took cognizance on the basis of the police papers produced before it and issued process.

6. The petitioner, while challenging the continuation of such proceeding, referred to the following facts in the instant application under Section 482 of Cr.PC:

Nataraj Khadi Shilpa Samity got registered with the West Bengal Societies Registration Act of 26, 1961 on 2nd January, 1982. Till 1982-83, it was duly approved by the Chairman of the Central Certification Committee of the Khadi & Village Industries Commission and obtained certificate being No. BGL/3737. During 1986-87, the Screening Committee of the said Commission with its head office at Bombay approved the case of the samity for enlistment and for getting recognized as a directly aided institution. All necessary audit reports were duly filed by such samity for the period from 1982-1992. Utilization certificates were placed and the reports were finalized and approved by the head office of the Commission at Bombay.

7. On the basis of the aforesaid purported source information, the aforesaid case was started though no complaint was ever filed by the statutory authority, Khadi and Village Industries Commission.

8. On 7th January, 1993, all relevant records of the samity were seized and purported seizure lists were prepared.

9. By a memorandum dated 6th February, 1993, the Khadi and Village Industries Commission suspended the effect of its certificate pertaining to Nataraj Khadi Shilpa Samity granted earlier within its validity period without even issuance of any show-cause notice. The petitioner was, thus, compelled to file a writ application on 7th July, 1993. The said application, however, was disposed of by the Hon'ble Court directing the petitioner to make an application before the appropriate authority for return of the documents seized and direction was given upon the said authority to consider the same and take appropriate decision in accordance with law.

10. The petitioner filed an application for return of the seized documents on 16th July, 1993. The learned Court directed the Investigating Officer to submit a report by 30th July, 1993.

11. In response to prayer made by the investigating authority, time for submission of such report was extended till 9th August, 1993 and then again to 30th August, 1993. By order dated 15th September, 1993, the learned SDJM, Bishnupur

rejected the petitioner's application whereby prayer was made for return of the seized documents. A criminal revisional application was filed being aggrieved by, and dissatisfied with, such order dated 15.9.1993 passed by the learned SDJM, Bishnupur. The said revisional application being C.R. No. 2513 of 1993 directed as follows:

This revisional application is disposed of with the direction upon the Investigating Officer to expedite the completion of investigation. In case the investigation is not over by the end of November, 1993, the petitioner would obtain xerox copy of the seized documents on due verification by the Investigating Officer so that the day to day proceedings of the petitioner's society may not suffer.

12. Thereafter the suspension of Nataraj Khadi Shilpa Samity was withdrawn/revoked by the Eastern Zonal Certification Committee, Khadi & Village Industries Commission, Calcutta and the normal transaction with the samity was resumed.

13. After completion of investigation, a chargesheet was submitted under Sections 120B/420/468/471/477A of the Indian Penal Code on 23rd November, 1994 against the petitioner and one Sri Narayan Chandra Dalai. Learned Court, on the basis of the said chargesheet and the relevant materials, took cognizance and directed issuance of process. The learned Court thereafter fixed on 27.4.1995 for supply of copies to the accused persons. Copies were supplied on that date.

14. The case then adjourned to 25.5.1995 for consideration of charge. It was then shifted to 12.7.1995. As the accused was absent, it was adjourned to 7.9.1995. The case was then again adjourned to 15.11.1995 on the ground that the documents, as relied upon by the prosecution, were not produced before the accused. The learned Court directed inspection of the documents as the same were found to be voluminous. The date was adjourned to 11.1.1996. The case was then adjourned to 3.4.1996. As the documents relied upon by the prosecution could not be produced due to pendency of 'Purulia Arms Drop Case' it was adjourned to 3.4.1996. Some of the copies could be supplied on 5th June, 1996. Learned Court thereafter fixed on 30th July, 1996 for further supply. Then the case was adjourned to 17.10.1996 due to absence of the Presiding Officer. On the said

date, remaining copies were supplied and the date was then fixed on 11.1.1997 for consideration of charge.

15. Due to absence of the accused on the ground of indisposition, the matter was then adjourned to 5.3.1997 and thereafter to 29.4.1997. The learned Presiding Officer being on transfer, it was shifted to 3rd July, 1997. As the learned Presiding Officer was on leave, the next date was fixed on 4.9.1997.

16. The case was thereafter adjourned to 4.11.1997 for appearance of the accused person as well as for supply of copies as the accused person lost the same. It was thereafter adjourned to 25.11.1997, 17.12.1997 and thereafter to 26.12.1997. The Presiding Officer was on leave and the matter was thereafter fixed on 4.3.1998. Due to absence of the Presiding Officer, it was then adjourned to 12.5.1998 for consideration of charge.

17. Copies were supplied on 12.5.1998. The matter was fixed for hearing on 8.7.1998. Due to absence of the accused person, it was adjourned to 27.8.1998. Again due to absence of the learned Presiding Officer, the next date was fixed on 26.11.1998. Due to absence of the accused, it was adjourned to 29.1.1999.

18. On 29th January, 1999, the defence prayed for production of documents, which were sought to be relied upon by the prosecution. The matter was thereafter fixed on 23.4.1999 and 27.5.1999.

19. When the matter was taken up on 16.7.1999, the learned Court directed the prosecution to return the copies of the documents and the next date fixed on 25.8.1999 for framing of charge. It was then adjourned to 25.11.1999 and then again to 28.1.2000. Due to absence of the accused person, it was then adjourned to 18.3.2000. Thereafter, the learned Court adjourned the case to 11.5.2000 for inspection of documents by the defence. It was then adjourned till 28.6.2000. Due to absence of the learned Public Prosecutor, in response to prayer made on behalf of the prosecution, the case was adjourned to 24.8.2000 for consideration of charge. The defence then took the plea that copies of some of the documents had not been supplied. This was opposed by the prosecution. Learned Court, after hearing both parties, fixed on 17.11.2000 for supply of copies.

20. On that date, a petition was filed on behalf of the prosecution mentioning that the accused had not complied with the order of the learned Court as they did not attend the office of the prosecution to collect the copies of the documents at their own expenses as per the order passed by the learned Court on the previous date. Learned Court then fixed on 15.1.2001 and directed the accused persons to have inspection of the documents at the office of the prosecution.

21. The learned Court fixed the case on 15th January, 2001 for inspection of the documents. A petition was filed on behalf of the accused person mentioning that an application being C.R.R. No. 3156 of 2000 had been filed and the Hon'ble Court passed an order of stay of all further proceedings in the said revisional application. The learned Court fixed the case on 13.2.2001, 26.2.2001, 1.12.2001 and then to 15.2.2002 awaiting order from the Hon'ble High Court.

22. The learned Court adjourned the case till 3.5.2002 and the case was thereafter taken up on 5.7.2002 as the criminal revisional application was disposed of by the Hon'ble High Court on 29.1.2002 with a direction upon the learned Trial Court to proceed with the trial. An application being accompanied by certified copy of the said order was filed before the learned Court. The case was then shifted to 16.8.2002 and thereafter on 8.11.2002. Since the learned Court was still lying vacant, nothing effective was done and the matter was adjourned to 8.1.2003 and then to 20.3.2003. The learned Court thereafter fixed the matter on 15.5.2003 for appearance of the accused person as well as for consideration of charge.

23. Since the prosecution was busy in connection with R.C. 16/E/83-Cal, the matter was adjourned to 11.8.2003. The Court was again lying vacant. It was next adjourned to 13.11.2003. Accused, N.C. Dalai, was physically present on that date and the accused, D.K. Mukherjee, was absent and a petition was filed in that regard. The case was taken up for consideration of charge. It was then shifted to 30.1.2004 for further consideration of charge.

24. On 30.1.2004, both parties were properly represented before the learned Trial Court. The accused, Dilip Kumar Mukherjee, filed an application praying for supply of xerox copies of the 49 documents, which were relied upon by the prosecution and it was alleged that the rest of the pages were also not supplied on 13.3.2000

as agreed upon. Copy of such application was served upon the learned Public Prosecutor, particulars of the 49 documents were duly furnished. It was urged before the learned Court on behalf of the prosecution that most of the required documents like registered books, ledger book registers are voluminous and it is not possible to supply copies of the same. Submission was made on behalf of the prosecution that the accused persons could very well inspect such documents. Learned Court adjourned the matter to 8.4.2004 for further hearing on charge.

25. In absence of the learned Presiding Officer, the case was then adjourned to 17.6.2004. The conducting Public Prosecutor could not attend Court on that date and this resulted in further adjournment till 27.8.2004 and then to 28.9.2004. It was submitted on behalf of the accused, Dilip Kumar Mukherjee, before the learned Court that although the said accused person deposited the requisite amount for getting the xerox copy of the voluminous documents, prosecution did not supply copies of the same.

26. Learned Court thereafter directed the defence to inspect the voluminous documents which had been relied upon the prosecution. On behalf of the accused, Dilip Kumar Mukherjee, it was again submitted that direction be given upon the prosecution to supply the xerox copies of 49 documents relied upon as well as the rest of the pages which had not been supplied on 13.3.2000 as agreed upon. Learned Court adjourned the matter till 15.10.2004 in order to enable the prosecution to file written objection. None turned up at the office of the CBI, Salt Lake on 28.9.2004 although the said date was fixed up for examination of documents by the defence.

27. In response to the prayer made on behalf of the accused person, the case was then adjourned to 6.1.2005. In absence of the learned Counsel for the prosecution, it was then adjourned to 7.4.2005. The Presiding Officer was on leave. The case was adjourned to 21.7.2005. A revisional application was again filed on 17.3.2005.

28. Grievance of the petitioner, as ventilated in the instant application, is now required to be judged in the context of the aforesaid facts and circumstances. Mr. Naranarayan Gooptu, learned Counsel for the petitioner, submitted that the present petitioner is an unfortunate victim of a false case filed against him and in

view of pendency of such a case over a protracted period of time, there had been violation of his fundamental right.

29. Attention of the Court was invited to the order dated 28.6.2006 passed by this Court in support of his assertion that the allegations made in the present application remain uncontroverted.

30. A written opposition was filed on behalf of the present opposite party No. 1 with certain facts and averments contrary to the record. This led the petitioner to file an application being C.R.A.N. No. 485 of 2006 and prayer was made for calling for the record in connection with the said application. The opposite party No. 1 thereafter chose not to press the said written opposition.

31. On behalf of the petitioner, Mr. Gooptu submitted that in absence of any specific denial on the part of the CBI authorities and the affidavit-in-opposition having not been pressed, the averments made in the application virtually remain unchallenged. This leaves the Court with no option but to accept the said allegations made in the application as true. Mr. Gooptu, in this context, sought to derive inspiration from the decision in the case of Hazra Singh Gill v. State of Punjab reported in : [1964]4SCR1 , as well as Manohar v. State of Karnataka and Ors. reported in 1995 Supp. (4) SCC 218.

32. On behalf of the petitioner, it was submitted that the Khadi and Village Industries Commission (in short 'the Commission') being a statutory body brought into existence by way of a special Act passed in the Parliament, any irregularity, default or defalcation in handling money could very well lead the Commission to lodge complaint before the police. The Nataraj Khadi Shilpa Samity obtained interest free loan from the Commission towards the capital expenditure and working capital in order to produce silk khadi as per the provisions of the Commission. The relevant Act being the [Khadi and Village Industries Commission Act, 1956](#) (No. 61 of 1956) spell out the procedure for recovery of any outstanding loan including the audit procedure to monitor such loans granted to various institutions. The statutory body did not have any grievance so far functioning of the concerned samity is concerned. In which circumstances, there could be no justification for the O.P. No. 1 lodging FIR. It may very well be that there is no

grievance of the Commission in the functioning of the concerned samity. It may further be that the samity has been functioning with flying colours as claimed. But there is nothing to hold that it was beyond the competence of the opposite party to save the criminal law into motion. Grievance, ventilated in this regard, does not seem to have any force.

33. It was then contended that the complainant, the Investigating Officer and the officer submitting the chargesheet are the one and the same person. It was contended that the said person being accentuated by personal interest of legal malice initiated this false case. Mr. Gooptu submitted that the Investigating Officer by-passing the Commission suo motu lodged the complaint. In this context, Mr. Gooptu submitted that there is no apparent reason for such over anxiety of Investigating Officer.

34. In the case of Megha Singh v. State of Haryana reported in 1995 Cr. LJ 3988 (SC), the Apex Court observed that the complainant should not proceed with the investigation of the case. In the said case, the complainant also carried on with the investigation and examined witnesses. The Apex Court deprecated the same and observed that such practice to say the least should not be resorted to so that there may not be any occasion to suspect fair and impartial investigation.

35. In course of submission, it was mentioned by Mr. Gooptu that the Investigating Officer officially demanded money for supply of copies though under Code, it was the function of the prosecution and copies are required to be supplied free of cost as provided under Section 207 of Cr.PC.

36. This claim that the accused person had to pay cost for the copies puts the administration of justice into shame, to say the least.

37. Attention of the Court was invited to the allegations made in the FIR so as to substantiate the claim that the incident as alleged, took place sometime in 1982.

38. Long 25 years have passed. Mr. Gooptu, in such context, submits that the petitioner-accused person was, thus, denied the right to speedy justice, which is also an integral part of Article 21 of the Indian Constitution.

39. Reference was made to the direction given while disposing of the earlier application being C.R.R. No. 3156 of 2000 for conclusion of trial of the case with utmost dispatch. It was then contended that the delay caused by the opposite party by itself is a ground for quashing of the instant proceeding. There is no doubt that there had been inordinate delay in proceeding with the case. The question arises as to whether such delay was caused entirely due to laches on the part of the prosecuting machinery. Mr. Gooptu on behalf of the petitioner submitted that right to speedy justice is a fundamental right within the meaning of Article 21 of the Constitution.

40. It is no doubt a very important aspect of administration of criminal justice, which demands and deserves an effective concern. Mr. Ranjan Roy on behalf of the opposite party/CBI borrowing ideas from the judgment of the Apex Court submitted that the primary function of the judiciary is to interpret law. It may lay down principles guidelines and exhibit creativity in the field left open and not occupied by legislation. Courts can declare the law, they can interpret the law, they can remove obvious lacunae and fill the gaps, but they cannot entrench upon in the field of legislation properly meant for the legislature. When Judges by judicial decisions lay down a new principle of general application of the nature specifically reserved for the legislature, they may be said to have legislated and not merely declared the law. Thus, it is neither advisable, nor feasible, nor judicially permissible to draw or prescribe an outer limit for conclusion of all criminal proceedings.

41. In this context, it may be relevant to refer to the guidelines given by the Supreme Court in 'A.R. Antulay case' which include the following points:

(i) Ordinarily speaking, where the Court comes to a conclusion that right to speedy trial of an accused has been infringed, the charges or the conviction, as the case may be, shall be quashed. But this is not the only course open. The nature of the offence and other circumstances in a given case may be such that quashing of proceedings may not be in the interest of justice. In such a case, it is open to the Court to make such other appropriate order, including an order to conclude the trial within a fixed time where the trial is not concluded, or reducing the sentence

where the trial has concluded as may be deemed just and equitable in the circumstances of the case.

(ii) It is neither advisable nor practicable to fix any time limit for trial of offences. But in every case of complaint of denial of right to speedy trial, it is primarily for the prosecution to justify and explain the delay. At the same time, it is the duty of the Court to weigh all the circumstances of a given case before pronouncing upon the complaint.

42. Mr. Gooptu invited attention to the Single Bench judgment of this Court in the case of Animesh Chandra Sengupta v. State of West Bengal reported in 2004(2) CHN 217, while submitting that right to speedy justice is a recognized fundamental right of a citizen.

43. In the case of A.C. Sengupta (supra), the learned Court quashed the criminal proceeding against the accused charged under Section 409 of IPC. The alleged offence was committed in 1986. The accused petitioner retired from service in 1992. Since the proceeding was continuing for well over 18 years and 13 years have passed since submission of chargesheet without any significant progress in the trial, the learned Court quashed the said proceeding.

44. In the context, Mr. Gooptu further referred to the decision in the case of Pradip Mitra v. State of West Bengal and Ors. reported in 2003 C Cr.LR (Cal) 721. In the said case, the criminal proceeding was pending for 20 years and charge was not framed till then. The learned Bench considered it to be a fit case for quashing of the proceeding.

45. The learned Single Bench of Rajasthan High Court in the case of Ganga Ram and etc. v. State of Rajasthan reported in 1994 Cr. LJ 2125, quashed a criminal proceeding in which no chargesheet could be framed even after 10 years from filing of challan and 18 years after date of occurrence. The fact that the accused was not responsible for such delay was, of course, taken into consideration.

46. Identical stand was taken by the learned Division Bench of this Court in the case of Ranjit Kumar Pal v. State reported in 1990 Cr. LJ 643. It was observed in

the said case that 'administration of justice requires that the accused is entitled to have as much protection as the prosecution is entitled to. Waste of time affects the defence case and the witness which the accused may choose to examine suffers from physical inability during the trial.' The right to speedy justice as guaranteed under Article 21 of the Constitution is a clear manifestation of the judicial concern to minimize the infliction of anxiety and agony on an accused by the institution of a criminal case.

47. The mental agony of the accused for a long time is sometimes worse than the punishment, which in case charges established could be inflicted on the accused person.

48. It was submitted on behalf of the petitioner that since the affidavit-in-opposition filed-subsequently was not pressed, the allegations made in the application on affidavit remain unchallenged and such uncontroverted allegations cannot just be brushed aside under the carpet.

49. In this context, Mr. Gooptu referred to the order dated 28th June, 2006 passed by this Court.

50. Strictly speaking, there is little scope for controversy in that regard. But this Court in response to the present application is only called upon to adjudicate whether there had been so much of delay in proceeding with the criminal case that its further continuation will amount to infringement of the fundamental right of the accused. What is required to consider the reason for such delay and to ascertain as to how far the prosecution is responsible for the same? Production of the Trial Court record, for that matter, could not have changed the complexion.

51. Article 21 of the Constitution reads as follows:

No person shall be deprived of his life or personal liberty except according to procedure established by law.

52. The requirement of 'Court fairness' is inherent in Article 21, which is akin to the concept of 'reasonableness'. Such 'fairness' would certainly be impaired where, owing to no fault of the accused himself, the State takes an inordinate delay in

bringing an accused to trial. The prosecution, in such circumstances, may be quashed in case of unexplained delay in holding the trial. The speedy justice is a fundamental right as an ingredient of Article 21. It is an obligation of the State as otherwise the operation of the legal system would not promote justice which is assured in the Preamble of the Constitution.

53. Mr. Ranjan Roy, appearing as learned Counsel for the O.P./CBI, while responding to the challenge submitted that the allegations made by the petitioner are far too vague and some of the same are even contrary to the record.

54. Admittedly in the present case, the FIR was lodged on 29.12.1992 in relation to certain irregularities in the functioning of the samity committed as far back as in 1982.

55. Chargesheet was submitted after completion of investigation on 23.11.1994.

56. Mr. Ranjan Roy submitted that the delay in supply of copies cannot be taken into consideration as it is the duty on the part of the Court to ensure such supply of copies. Prosecution cannot be blamed for any delay in supply of copies as per Section 207 of Cr. PC.

57. Mr. Roy, appearing as learned Counsel for the O.P./CBI, contended that the present petitioner liberally contributed to the delay and as such, is the architect of his own misfortune. Mr. Roy submitted that the petitioner/accused person cannot be permitted to derive any benefit of his own laches.

58. Inviting attention of the Court to the decisions in the case of Aftab Ahmed Khan v. State of Hyderabad reported in : 1954 CriLJ1155 , the case of Narayan Rao v. State of AP reported in : 1957 CriLJ1320 , as well as the case of Noor Khan v. State of Rajasthan reported in : 1964 CriLJ167 , it was submitted that even assuming that there had been any laches in supply of copies as per Section 207 of the Criminal Procedure Code, that cannot vitiate the proceeding or the trial. It is to be seen as to how far the accused had been prejudiced as a result of such non-compliance.

59. Mr. Roy submitted that the petitioner earlier filed a revisional application challenging the order of taking cognizance being C.R.R. No. 3156 of 2000. In response; to the same, the proceeding before the learned Trial Court remained stayed from 18.12.2000 to 21.2.2002. True, there had been direction for expeditious conclusion of trial, but grievance resulting to supply of copies was not raised earlier. Moreover, Mr. Roy submitted that it is the duty of the Court to supply of copies and the prosecution cannot be held responsible, if there had been any laches, unintentional or otherwise, on the part of the Court to supply such copies.

60. Attention of the Court was drawn to the fact that there had been occasions for repeated adjournments of the case before the learned Trial Court as there was no Presiding Officer.

61. Referring to the decision in the case of Abdul Rehman Antulay v. R.S. Nayak and Anr. reported in : 1992 CriLJ2717 , it was submitted that time limit for criminal proceeding cannot be drawn. It is not possible in the very nature of things and present day circumstances to draw a time limit beyond which a criminal proceeding will not be allowed to go. The Apex Court in the said case observed that even in the U.S.A., the Supreme Court has refused to draw such a line. The Apex Court observed that 'in some cases, delays may occur for which neither the prosecution nor the accused can be blamed but the system itself. Such delays too cannot be treated as unjustifiable -broadly speaking. Of course, if it is a minor offence-not being an economic offence-and the delay is too long, not caused by the accused, different considerations may arise. Each case must be left to be decided on its own facts....' It was further held that '...it is neither advisable nor feasible to draw or prescribe an outer time limit for conclusion of all criminal proceedings. It is not necessary to do so for effectuating the right to speedy trial. It cannot also be said that without such an outer limit, the right becomes illusory.'

62. Mr. Roy also placed reliance upon the decision in the case of P. Ramachandra Rao v. State of Karnataka reported in : 2002 CriLJ2547 ; State of Rajasthan v. Iqbal Hussien reported in 2004(4) A.L.C.L.R. 664 and State of Bihar v. Baidnath Prasad alias Baidyanath Shah and Anr. reported in 2002 SCC (Cri) 148.

63. In order to respond to the challenge thrown by the petitioner, Mr. Roy deriving inspiration from the decision in the case of S. Jeevanantham v. State through Inspector of Police, Tamil Nadu reported in AIR 2004 SC 4808, contended that in absence of any prejudice being caused, mere fact that the case was registered by a person who conducted such proceeding and. proceeded with investigation, it cannot be said that the investigation was done in a biased manner. It was mentioned that the petitioner could not satisfactorily establish that the investigating authority was in any way personally interested in the case. This finds further support from the decision in the case of Megha Singh v. State of Haryana reported in : 1995 CriLJ3988 . It was then contended on behalf of the opposite party/CBI that in absence of any illegality or irregularity in course of investigation resulting in miscarriage of justice, it cannot be said that the investigation, inquiry or trial can be vitiated.

64. In this context, reference was made to the decision in the case of A.C. Sharma v. Delhi Administration reported in : 1973 CriLJ902 ; Union of India v. Prakash P. Hinduja and Anr. reported in : 2003 CriLJ3117 .

65. Mr. Roy thereafter categorically submitted that the petitioner could not establish any reason whatsoever to the satisfaction of the judicial conscience of the Court so as to establish that the trial of the case was delayed due to any lapse on the part of the opposite party/CBI or that the prejudice was caused to the petitioner as a result thereof.

66. It cannot be denied that right to speedy justice is an essential component of Article 21 of the Constitution which deals with the right to life. Such 'life' certainly speaks of right to live with dignity. It essentially suggests that a person is entitled to have a life freedom from hunger, exploitation and oppression. It also cannot be denied that there are innumerable circumstances where in view of inordinate delay caused due to intentional laches on the part of prosecution, an accused is put into serious hardship. Our Constitution does not permit this Court to remain indifferent to this nor can it turn a blind eye. But while ascertaining this, it is necessary to adopt a cautious approach.

67. In the present case, the alleged irregularity resulting in initiation of the criminal proceeding took place as far back as in 1982. It is on record that a criminal case was started in 1992 and within a couple of years thereafter, chargesheet was submitted. Thereafter there had been delay in proceeding with the case for reasons or without. Question naturally arises as to whether the present petitioner/accused person can derive any benefit out of such delay. It was urged that the alleged offence is certainly not minor in nature and is an economic offence having the punishment of more than three years prescribed in the statute.

68. The categorical assertion made by Mr. Ranjan Kumar Roy, as learned Counsel for the CBI that the delay which has been caused, cannot be said to be entirely due to laches on the part of the prosecution, cannot be brushed aside. It follows from the discussion already made that the present petitioner/accused person also contributed to delay and the case had to be adjourned on quite a few occasions due to his absence. Then again, there was no Presiding Officer resulting in further adjournment on a few dates. All these factors harmoniously combined to cause such inordinate delay.

69. It cannot be denied that our administration of criminal justice could not be made full proof against such systemic delay. The reasons are not far to seek. Lack of proper and effective infrastructure is, perhaps, the most significant contributing factor. This Court is not necessarily called upon to adjudicate as to what was exactly responsible. It is well-settled principle of law that right to speedy justice is an integral component of the right of life as ensured under Article 21 of the Indian Constitution.

70. There is need for analyzing the entire situation in the aforesaid perspective. It is neither possible nor desirable to proceed with mathematical precision so as to calculate how far the petitioner/accused person was responsible.

71. The fact remains that long 25 years have passed since commission of the alleged offence. The criminal proceeding was set into motion in 1992 and during this long 15 years, the case has not progressed to any significant extent. Mr. Gooptu, learned Counsel on behalf of the petitioner submitted that functioning of the organisation/samity did not invite any criticism from the concerned authorities

nor there had been any complaint in that regard. Though this by itself does not wash the sin, the Court can very well take note of the fact that after such a long period of time, it is not likely that the prosecution can really proceed effectively with its witnesses so as to conclude the trial, if any, within a reasonable time. It cannot also be denied that the petitioner/accused person, during all these years, must have spent time in terrible mental agony.

72. Considering all these aspects, I find it difficult to brush aside the grievance of the petitioner as ventilated in the present application. After all, delay is the deadliest form of denial of justice.

73. After giving due regard to the nature of the alleged crime, the circumstances of its commission, the manner in which the investigation was conducted, the way the criminal proceeding has proceeded so far and the time already spent, it appears that there is very little scope for further controversy and I do not think that there is any rational justification for allowing this wild goose chase to continue any further. As such, the present application being C.R.R. No. 794 of 2005 be allowed and the criminal proceeding being G.R. Case No. 7 of 1993 pending before the learned Court of SDJM, Bishnupur, District-Bankura be quashed.

74. Interim order, if any, is made absolute. The petitioner/accused person be discharged from his bail bond at once. Send copy of this order to the learned Trial Court for information and necessary action. Criminal Department is directed to supply xerox certified copy of this order, if applied for, to the learned Counsel for both parties in compliance with due formalities as expeditiously as possible.