

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Criminal Appeal No.639 of 1998

State of Rajasthan Appellant(s)

VERSUS

Teg Bahadur & Ors. Respondent(s)
(With appln. for exemption from filing O.T.)

Date : 27/04/2004 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE Y.K. SABHARWAL
HON'BLE MR. JUSTICE B.N. AGRAWAL

For Appellant (s)Ms. Sandhya Goswami, Adv.

For Respondent (s)Mr. Sushil Kumar Jain, Adv.

UPON hearing counsel the Court made the following
O R D E R

As a result of the death of a young girl on 9/10th September, 1994, the respondents were charged for offence under Sections 304-B, 498 and 201 IPC and eight years' rigorous imprisonment was imposed on them by the trial court. The judgment of the trial court was, however, reversed in appeal by the High Court by the impugned judgment.

In this appeal, filed by the State against acquittal, leave was granted nearly six years ago. When the matter came up for regular hearing on 23rd March, 2004, on the request made on behalf of the appellant, four weeks' time was granted to file additional documents. The appeal is today on board at item No.103. The

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appellant-State of Rajasthan has filed some additional documents, but the main evidence, i.e. of the father of the deceased, PW-13, and of another witness, PW-22, have not been filed. This shows the seriousness that the appellant attaches to these matters, particularly, when six years have passed since the judgment of acquittal was passed by the High Court and a decade since the death of the deceased-Suman took place. In most of the cases, the delay occurs because of the total inaction on behalf of the State Governments for not filing the necessary record. In the interests of justice, we adjourn the appeal and direct the filing of the testimony of the aforesaid two witnesses and any other additional documents as may be necessary, within four weeks. The appellant-State is directed to deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) in this Court, within the same period, which shall be forwarded to the Supreme Court Legal Services Committee.

A copy of this order shall be sent to the Chief Secretary of the State of Rajasthan.

(N. Annapurna)
Court Master

(V.P. Tyagi)
Court Master