

Supreme Court of India

Khatri And Ors. vs State Of Bihar And Ors. on 25 November, 1982

Equivalent citations: 1981 CriLJ 470, 1982 (2) SCALE 1142, (1983) 2 SCC 266

Bench: A N Sen, P Bhagwati, R Pathak

ORDER

1. The learned advocate for the petitioners, Mrs. Hingorani has made an application to us that Pawan Kumar, one of the petitioners in the writ petition, has completed his vocational training on 23rd August 1982 and he has been given a certificate to that effect in soap making, candle making, orientation and mobility and chalk making and the sum of Rs. 15000/-which has been given as a grant by the State Government for being used by him to establish himself in some business, profession or vocation after the completion of his vocational training should therefore be made available to him. Since the petitioner Pawan Kumar has completed his vocational training at the National Institute for Visually Handicapped, Dehra Dun, we would direct that on his filing an affidavit in this Court within three weeks from today to the effect that he will spend the amount of Rs. 15,000/-and interest which is lying deposited in the Bank in his name, for the purpose of establishing himself in some business, profession or vocation, preferably a vocation in which he has received training, the amount of Rs. 15,000/-together with interest shall be handed over to him. The petitioner Pawan Kumar, will file in this Court within six months from the date when the said amount is withdrawn by him, a statement of account showing how that amount has been spent by him on rehabilitating himself by setting up some business or vocation.

2. Miss Subhashini, learned advocate appearing on behalf of C.B.I. has submitted to us a chart showing the progress of the cases pending in the court of H.P. Chakravarti, Special Judicial Magistrate First Class, Patna. This chart has been submitted to us pursuant to the order made by us on. We made that order only with a view to ensuring that the prosecution launched by the CBI on the basis of their investigation are conducted speedily and there is no undue delay in proceeding with the prosecutions. This order had to be made by us because we found in the course of several cases coming before us from the State of Bihar that prosecutions are considerably delayed and in quite a few cases they are not started for quite a long period after the lodging of the first information reports and in some cases even after the filing of the charge-sheets. We were not concerned at all with the result of the trial in these cases nor was our order at any time designed to prejudice the fair trial of the accused. What we wanted to ensure was only a proper and speedy trial of the accused which it can hardly be doubted is absolutely necessary in public interest. In fact, when Mrs. Hingorani, learned Counsel appearing on behalf of the petitioner, applied to the Court for disclosure of the report of the investigation carried out by CBI we rejected her request since we felt that disclosure Of the CBI report would prejudice the fair trial of the accused. Mrs. Hingorani also applied to us on a previous occasion for fixing an early date of hearing of the writ petition for the purpose of determining the question as to whether the State is liable to pay compensation to the blinded prisoners on the basis that the petitioners were blinded in police custody but since any observations which might be made by this Court while determining this question might prejudice the fair trial of the accused, we declined that request also. Mrs. Hingorani has again' repeated that request before us today but for the same reason, namely, that fair trial of the accused should not be prejudiced in any manner whatsoever, we are not at present inclined to give any such direction as is

sought by Mrs. Hingorani. But, we shall await the progress of the trial. The trial must go on fairly and speedily and in accordance with law.