

**HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR**

S.B. Criminal Miscellaneous (Petition) No. 5604/2026

CNR: RJHC010664992026

URN: CRLMP / 9988U / 2026

Dileep Kumar Khadav S/o Gangaram, Aged About 44 Years,
Resident Of Kawas, District Bikaner, At Present Posted As Sho
Police Station Vivek Vihar, Jodhpur Metropolitan

-----Petitioner

Versus

1. State Of Rajasthan, Through Pp
2. The Director General Of Police, Rajasthan, Jaipur.

-----Respondents

For Petitioner(s) : Mr. Vikas Bijarnia

For Respondent(s) : Mr. Vikram Rajpurohit, PP

HON'BLE MR. JUSTICE BALJINDER SINGH SANDHU

Order

16/07/2026

Heard learned counsel for the petitioner and perused the material available on record.

The present matter arises out of the order dated 18.12.2025 passed by the learned Special Judge, Electricity Act Cases (District & Sessions Judge), Jaisalmer, whereby certain directions have been issued against the petitioner on account of the non-appearance of the Investigating Officer during the course of trial.

This Court is of the considered opinion that Investigating Officers, being public servants and employees of the State, are duty-bound to appear before the trial Courts whenever their presence is required and to cooperate in the expeditious conclusion of criminal trials. Their examination as prosecution

witnesses is an integral part of the criminal justice process. It is inconceivable that Investigating Officers repeatedly remain absent, resulting in unnecessary adjournments and consequent delay in disposal of criminal cases.

The explanation that the Investigating Officer was not aware of the proceedings or that summons or warrants were not served cannot, be treated as satisfactory justification. The prosecution is represented before the trial Court through the learned Public Prosecutor, and there ought to exist a robust institutional mechanism ensuring effective coordination and internal communication between the office of the Public Prosecutor and the Police Department so that Investigating Officers are informed well in time and remain present before the Court for recording of their evidence. Such a mechanism is essential to ensure that criminal trials are not unnecessarily prolonged merely on account of the absence of Government officials.

This Court has also noticed, in several matters, a recurring pattern of Investigating Officers remaining absent before the trial Courts, resulting in repeated adjournments solely for securing their presence. The issue appears to be systemic in nature and requires coordinated efforts between the Police Department and the Directorate of Prosecution. A well-defined structured framework for communication, monitoring, and ensuring the timely appearance of Investigating Officers before the Courts would substantially aid in the expeditious disposal of criminal cases.

In view of the aforesaid, this Court deems it appropriate to issue notice to the Director of Prosecution, Rajasthan and the Director General of Police, Rajasthan, calling upon them to place before this Court the existing mechanism, if any, for ensuring the appearance of Investigating Officers before trial Courts and to indicate the measures proposed to be adopted for addressing the recurring issue so as to ensure the timely conclusion of criminal trials.

Let both the authorities file their responses on or before the next date of hearing.

List this matter on **10.08.2026**.

In the meanwhile, considering that the impugned directions appear to have been issued without affording an opportunity of hearing to the petitioner, the operation and effect of the observations/directions contained in Para no.56 of the impugned order dated 18.12.2025, insofar as they prejudice the petitioner, shall remain stayed only till the next date of hearing.

(BALJINDER SINGH SANDHU),J