

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P. (PIL) No. 4951 of 2023

Court on its own motion

Versus

The State of Jharkhand and others Respondents

With

W.P. (PIL) No. 2599 of 2013, W.P. (PIL) No. 2466 of 2015, W.P. (PIL) No.6882 of 2016, W.P. (PIL) No.2543 of 2022 & W.P. (PIL) No.2798 of 2022

**CORAM: SRI SANJAYA KUMAR MISHRA, C.J.
SRI ANANDA SEN, J.**

For the Petitioner: Mr. H.K. Shikarwar, In Person
For the State: Mr. Rajiv Ranjan, Advocate General
Mr. Piyush Chitresh, A.C. to A.G.
For the UOI: Mr. Prashant Pallav, Dy.SGI
Ms. Shivani Jaluka, A.C. to Dy.SGI
For the NHAI: Ms. Sweety Topno. Advocate
Mr. Amrit Raj Kisku, Advocate

03/Dated: 04.09.2023

This bunch of writ applications [W.P.(PIL) No. 4951 of 2023 as lead case] relates to the safety and security of the court premises in the State of Jharkhand as well as the judges and staffs working therein. The matter was last listed on 02.09.2023 wherein, we had already directed the Director General of Police, Jharkhand and the Additional Chief Secretary, Home, Government of Jharkhand, to remain present in the Court and the matter shall be looked into by a committee consisting of two senior judges, viz., Shri Shree Chandrashekhar, J. and Shri Sujit Narayan Prasad, J. The matter is kept in abeyance till the report of the committee is received by us. However, in the meantime, the Administrative Judge, viz., Shri Sujit Narayan Prasad, J, visited Jamshedpur on 02.09.2023 and the Registrar (Administration) has submitted a report. From the report, different aspects have been highlighted, but the one aspect which requires immediate attention is that practice has grown in Jamshedpur that remand matters are being taken up by the Magistrate, In-charge of the case, i.e., the cognizance taking Magistrate at 6.30 p.m. in the evening.

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The Principal District Judge also verified the said fact. As per the provision of Section 167 of the Code of Criminal Procedure, 1973, a person, who is arrested, has to be produced before a Magistrate within 24 hours. The practice of producing the prisoners being arrested, pending investigation, or upon execution of a warrant issued by the court at 6.30 p.m. is definitely causing inconvenience to everybody including the learned counsel for the State, learned counsel for the accused and this practice should be stopped.

We, hereby, direct that all the remand matters shall be taken up at 2.00 p.m by each concerned Magistrate without fail. The Registrar General of the High Court shall circulate this order to all such courts through the Principal District Judge of the respective districts courts. Any violation of this order shall be considered very seriously by us. However, we further stipulate that in case of arrest of a person in odd hours, the investigating agency may produce the under trial prisoner before the Magistrate as per the convenience of the investigating officer, but strictly within 24 hours of his/her arrest. In that case, the rule of producing the accused before the Magistrate at 2.00 p.m. may be taken up as a special case with some relaxation.

The report submitted by the Registrar (Administration) of the Jharkhand High Court shall be taken on record. A copy of this report be handed over to the learned Advocate General, learned Deputy Solicitor General of India and the learned counsel for the petitioners, appearing in the connected cases.

List these cases on 11.09.2023 awaiting further status report.

(Sanjaya Kumar Mishra, C.J.)

(Ananda Sen, J.)