

Muktinarain Jha and Others

Vs

State of Bihar

Criminal Misc. Petitioner No. 168 of 1978

(V. R. Krishna Iyer, Jaswant Singh JJ)

23.01.1978

ORDER

KRISHNA IYER, J. -

1. The special leave petition had been dismissed on an earlier occasion on the score that the petitioners had not surrendered to judicial custody which is more or less a condition precedent to seeking the leave of this Court to file an appeal. However, the petitioners point out, in the present petition for restoration of S.L.P., that although they had offered their person and surrendered before the Assistant Sessions Judge, Medhipura requesting that they be remanded to jail custody, the Court declined to take them into custody for want of receipt of judgment from the High Court. Prima facie, this appears to be true in view of Annexure A which is a copy of the application put into that Court. It is unfortunate that when High Court deliver judgments confirming the conviction and sentence, there is a long delay in communicating the fact of affirmation of the sentence to the trial Courts. A sentence should not be delayed at least after it is confirmed by the High Court but when this happens on account of the indifference of the administrative side of the High Court in the mechanical process of communication to the trial Court it speaks badly of the management side of our Court system. We wish that more business-like procedures in such matters were evolved so that the rule of law need not suffer a new shock on account of messy management of judicial business rectifiable by a little more promptitude and attention.

2. These observation have relevance to the present case because, long after the judgment of the High Court and the sentences offering to surrender, the Court's sentence has not started to operate and S.L.P. in this Court has had to be dismissed-things which should not have and could not have happened if the High Court's administrative side had been less indifferent.

3. The petition is allowed and the S.L.P. will be posted three weeks later. Time to surrender ten days. Meanwhile communication of this order, with some administrative celerity, will be made both to the High Court and to the trial Court.

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