

Government of Tripura
Office of the Director General of Police
Tripura :: Agartala.

No. 136-48 /F.44/DGP/RSV/2015(Part)

Dated the 16th, Jan, 2018

To
The Superintendents of Police,
North / Unakoti / Dhalai / Khowai / West
/ Sepahijala / Gomati and South Tripura District.

The Superintendents of Police (SB)
Tripura, Agartala.

Subject :- Transmission of copy of Judgment & Order dated 23-08-2017 passed by the Hon'ble High Court of Tripura in case No. WP(C)(PIL) - 18 of 2015 (Courts on own motion -Vs- The State of Tripura & Ors.).

Please find enclosed copy of Judgment & Order dated 23-08-2017 passed by the Hon'ble High Court of Tripura in case No. WP(C)(PIL) - 18 of 2015 (Courts on own motion_-Vs- The State of Tripura & Ors.), contents of which is self explanatory.

You are directed to take necessary steps for compliance of the Judgment & Order of the Hon'ble High Court of Tripura in letter and spirit. **Action taken in this regard may please be intimated to this office at the earliest.**

Matter is most urgent and High Court priority.

Encl:- As stated.
(18 sheets)


(Lalhminga Darlong)
Asstt. Insp. Genl. of Police(Crime).
For Director General of Police.
Tripura.

Copy alongwith its enclosures to:-

01. The Insp. Genl. of Police (L/O), Tripura for information please.
02. The Dy. Insp. Genl. of Police (S/R), Tripura for information please
03. The Dy. Insp. Genl. of Police (N/R), Tripura for information please.
04. Under Secretary, Home Department, Govt. of Tripura for information please.
- ✓ 05. The I/C, E-Governance Cell, PHQ for uploading the same in the Tripura Police Website please.


(Lalhminga Darlong)
Asstt. Insp. Genl. of Police(Crime).
For Director General of Police.
Tripura.

**THE HIGH COURT OF TRIPURA
AGARTALA**

WP(C) (PIL) No.18 of 2015

Court on Own Motion

Mr. Somik Deb, Amicus Curiae

Vs.

The State of Tripura & Others

By Advocate :

Mr. B.C. Das, Advocate General,

Mr. T. D. Majumder, G.A.

Mr. S. Chakraborty, Addl. G.A.

B E F O R E

**THE HON'BLE THE CHIEF JUSTICE
THE HON'BLE MR. JUSTICE S. TALAPATRA**

Date of hearing and delivery : 23.08.2017
of judgment and order

Whether fit for reporting : YES

Judgment and Order (Oral)

(S. Talapatra, J)

Heard Mr. Somik Deb, learned Amicus Curiae as well as Mr. B.C. Das, learned Advocate General along with Mr. T.D. Majumder, learned G.A. and Mr. S. Chakraborty, learned Addl. G.A.

02. By the order dated 07.09.2015, this public interest litigation was taken up for consideration and it was observed in the said order dated 07.09.2015 that adjournment *sine-die* is an anathema to the legal process. If cases are allowed to be adjourned sine-die, then there will be no end to the process. When the cases are adjourned sine-die the accused is obviously not interested in getting

the case revived. The case goes to cold storage and the Investigating Officer, the prosecutor as well as the Judge totally forget the case which has been put into the cold storage as it has been, no crime has been committed. This has a serious effect on the credibility of the judicial system in the eye of the society. It was observed in that backdrop that by the administrative order all such 'adjourned sine-die' cases were revived throughout the state. The term adjourned sine-die according to this court is applicable only to the legislative business and not to courts. In the consultation that had been held between the Hon'ble Chief Justice (Gupta C.J.) with the Secretary, Home and the Secretary, Law on 13.02.2013 and 30.04.2014 and after a thread-bare discussion the following observation was recorded in the minutes of the meeting held on 30.04.2014:

"In pursuance of the decision of the earlier meeting held on 13.02.2014 at 4.00 PM in the Office Chamber of the Chief Justice detailed Reports in respect of the adjourned sine die Criminal cases pending in the various Courts in the State of Tripura were sent to the Secretary, Home Department , Government of Tripura, the Director General of Police and the L.R & Secretary, Law Department, Government of Tripura from the Registry of the High Court vide., letter dated 3rd, 5th, 6th & 12th March, 2014.

During meeting the Secretary, Home Department, Government of Tripura has submitted a report regarding action taken in respect of the adjourned sine die Criminal Cases by the State Government pursuant to meeting held on 12.03.2014 at the level of the Chief Secretary, Government of Tripura along with the Director General of Police, Tripura, the Secretary , Law Department and the Secretary, Home Department and discussion is held on the said report.

The action taken by the State Government at the instance of the High Court has been appreciated by the Chief Justice. The said Action Taken Report is marked as Annexure-A.

As per Sl. No.8 of the Action Taken Report, 3405 adjourned sine die Criminal cases have been indentified in which warrants of arrest are not available with the concerned Police Stations and concerned Courts are being moved by the District SPs for issuing fresh warrants. Accordingly, it has been instructed by the Chief Justice to the Registry of the High Court for writing letters to the 3(three) Sessions Judges of the State to take necessary steps for disposal of those applications regarding issuance of fresh warrants by the concerned Courts within their respective Judgeship on priority basis.

At the end, it is decided that next meeting will be convened after two/three months to review the progress made in implementation of the decisions taken by the State Government as per the said Action Taken Report.”

03. It has been further observed in the order dated 07.09.2015 that some of the oldest cases pending in the State of Tripura where the accused are charged of having committed a minor offence such as an offence punishable under the Gambling Act are allowed to continue for the reasons that the attendance of the accused in the trial could not be obtained. The question what is called for consideration is that why should public time and money be wasted on these cases to apprehend the accused and why the state cannot take a decision to withdraw such cases. Certain illustrations were provided in the said order. The rate of withdrawal of the prosecution even in petty matters remained unexplained for long time clogging the wheels of the justice delivery system. This is what prompted this court to issue notice on the state, in particular for asking them to reply on the following questions. The Secretary, Home Department was asked to make his reply on:

- (i) What is the Litigation Policy of the State with regard to criminal cases?
- (ii) If any Litigation Policy has been framed that shall be placed on record.
- (iii) Whether any effort has to be made to amend the Litigation Policy after the Chief Justice had two meetings with the officials and any attempt made to wider the concept of criminal cases which could be withdrawn?
- (iv) Whether any committee was constituted to identify such criminal cases that could easily be withdrawn?

The Secretary, Law, Government of Tripura was similarly asked to respond to the questions which were as under:

(i) Whether any programme was conducted either by the Law Department or any other authority to train the Public Prosecutors/Addl. Public Prosecutors as to how a person is declared a proclaimed offender?

(ii) Whether the Public Prosecutors/Addl. Public Prosecutors were asked to identify those cases which could be withdrawn?

The Director General of Police was asked to apprise this court why the execution of bailable/non-bailable warrants are pending unexecuted in those cases which are pending for a longer time.

04. On 06.07.2015, another order was passed recording the revival of 5481 adjourned sine-die cases and out of those cases, no warrant of arrest was available with the police in 3405 cases. It has been also recorded how the Registry of this High Court under the direction of Hon'ble Chief Justice has been pursuing the matters towards withdrawal of old pending cases as a measure of pendency reduction drive. A further direction was issued to reveal all particulars to the court in respect of the question as raised in the earlier order. The Secretary, Law was asked to further explain for training and how the allocated amount on the training was utilized. As this court has found at that point of time that the state was not much interested in framing any guidelines, for the interim period the following guidelines were framed by this court:

"Guidelines:

1. These guidelines may be called Guidelines for Withdrawal of Stale and Ineffective Criminal Cases by the State of Tripura.

2. These guidelines may be followed by the concerned prosecuting agency, public prosecutor and the district administration as well as district level officers, in recommending withdrawal of prosecution.

3. Though the judicial discretion of the Court and the Magistrates is not sought to be curtailed, yet, since the

guidelines are framed by orders of this Court, the concerned Courts and Magistrates may accord due weight to the proposal for withdrawal of prosecution made in pursuance of these guidelines.

4. Stale and ineffective criminal case:

A stale and ineffective criminal case means a case of the categories enumerated in Clause 5, wherein after the charge sheet has been filed the case is still pending for 5(five) years or more before the Court for non availability of the first informant/ complainant, victim, witnesses or accused. For example, the cases in which charge-sheet has been filed on or before 31.12.2010 will become stale and ineffective on 01.01.2016 if the other conditions in these guideline are fulfilled.

5. Category of cases:

The following categories of cases may be identified as stale and ineffective if they satisfy the criteria prescribed in Clause 4:

I. Proceedings under Chapter XXI of the Criminal Procedure Code.

II. Offences Punishable under:

a) Tripura Police Act.

b) The Public Gambling (Tripura) Act, 1976.

c) Tripura Shops and Commercial Establishments Act.

d) Tripura Weights and Measures Act.

e) Motor Vehicles Act.

III. Offences under I.P.C. punishable and imprisonment for a term not exceeding three years.

IV. Offences under any other law punishable with imprisonment for a term not exceeding three years.

6. The Proceedings to which the guidelines shall not apply shall include the following:

(a) offences involving corruption, misappropriation of public funds, economic offences, whether under the Indian Penal Code, Prevention of Corruption Act, 1947 or any other statute.

(b) offences of smuggling, foreign exchange violation and offences under the Narcotics Drugs and Psychotropic Substances Act, 1985.

(c) offences under Essential Commodities Act, 1955 and Prevention of Food Adulteration Act, 1954.

(d) offences under the Arms Act, 1959, Explosive Substances Act, 1908, Terrorists and Disruptive Activities Act, 1987 and POTA.

(e) offences relating to public servants.

(f) offences relating to coins and government stamp.

(g) offences relating to giving false evidence and offences against public justice.

(h) offences of any other type against the State.

(i) offences under the taxing enactments.

(j) offences under Section 304-A, 304-AA of the Indian Penal Code.

(k) offences under the Protection of Women from Domestic Violence Act, 2005.

7. District Committee:

1. There shall be a Committee for every district, consisting of the following officials for scrutinizing the stale and ineffective criminal cases and to recommend their withdrawal.

(1)	The Sessions Judge or his representative not below the rank of Additional Sessions Judge	Chairman
(2)	District Magistrate or his representative not below the rank of Sub Divisional Magistrate	Member
(3)	District Superintendent of Police or his representative not below the rank of Deputy Superintendent of Police	Member
(4)	Public Prosecutor/Addl. P.P.	Member Secretary
(5)	Assistant Public Prosecutor in charge of the case attached to the Court of concerned Magistrate	Member

2. The District Committee shall collect the information in proforma as Annexure-'A' attached to this order and scrutinize the record and proceeding of the cases to sort out stale and ineffective cases and recommend withdrawal of appropriate cases.

3. The District Committee shall call for the information in the proforma, Annexure-'A' at the end of every four monthly period i.e. ending with April, August and December.

8. Norms for identification of stale and ineffective cases:

I) Though it is not possible to design a strait jacket formula for determining the non availability of the first informant, complainant, witnesses and accused, nor a rigid time frame, say of one or two years can be prescribed to reckon non availability of the concerned, yet the District Committee, while determining non availability of the concerned first informant/complainant, victim, witnesses or accused, shall have regard to all the relevant factors, including the nature of the offence, circumstances of the case, character of the alleged offender, the reason for non-availability of the concerned person, its duration, the efforts made to secure his

presence, the reports submitted by the police/process server, possibility of his availability in near future and where evidence is partly recorded, the quality of evidence and the possibility of the trial ending in conviction, and the Committee shall take an informed decision.

II) While recommending withdrawal of prosecution the District Committee shall ensure that the cases which were never listed on the daily board of the Courts and the cases wherein summons and warrants have not been issued by the office of the Court, shall not be considered stale and ineffective cases.

III) Where the proceedings are pending for non availability of the first informant/complainant and/or witnesses, the Committee shall examine as to whether the delay in the disposal of those cases is attributable to the accused concerned.

IV) The delay caused on account of stay of the criminal proceedings by the superior Court shall not be computed for the purpose of Clause 4.

V) The District Committee shall also ensure that the cases involving professional criminals and/or habitual offenders are not to be treated as stale and ineffective cases.

9. Meeting and Proceedings of District Committee:

I) The meetings of the District Committee shall be held beyond the Court hours and ordinarily the Committee shall meet at least once a month to trace out the stale and ineffective criminal cases. The decisions of the Committee shall be minuted.

II) On receipt of the information in proforma, as Annexure "A" attached to this order, in respect of the particular four monthly period the District Committee shall make an endeavour to sort out all the cases before the end of the succeeding four monthly period.

III) The District Committee, in appropriate cases, may advise the concerned prosecutor to request the Court to exercise the powers under Section 258 Cr.P.C. to stop the proceedings instead of recommending withdrawal of the prosecution by the State.

IV) The concerned prosecutor may request the Court to exercise the power under Section 258 Cr.P.C. and the relevant extract of minutes of the meeting of the District Committee may be placed on the record of the Court.

V) Where the concerned Court does not exercise the power under Section 258 Cr.P.C. within a reasonable period, not exceeding three months, the Committee may recommend withdrawal of such cases by the State.

VI) On receipt of a recommendation for withdrawal of a prosecution, the Secretary, Home Department may act in accordance with the provisions contained in Tripura State Litigation Policy in accordance with law and direct the concerned Public Prosecutor/Additional Public Prosecutor, through the District Magistrate, to withdraw the case.

VII) Every District Committee shall submit bi-monthly report in proforma, as Annexure-'B', attached to this order, to the State Committee.

10. State Committee:

I) There shall be a Committee at the State level consisting of the following officials to monitor the work of the District Committees and to ensure that the recommendations for withdrawal are properly and expeditiously processed.

1.	Advocate General, State of Tripura	Chairman
2.	Chief Secretary	Member
3.	Registrar General, High Court of Tripura	Member
4.	The Principal Secretary/Secretary-in-charge of Home Department to the Government of Tripura	Member
5.	Secretary (Law) to the Government of Tripura	Member Secretary
6.	Sessions Judge, West Tripura District	Member
7.	Director, Tripura Judicial Academy	Member
8.	Deputy Director of Prosecution, State of Tripura	Member

II) The State Committee shall examine the report of every District Committee and ascertain the number of recommendations for withdrawal, which were accepted by the Home Department, and wherein orders for withdrawal have been issued, and the reasons for pendency of the rest of the recommendations with the Home Department.

III) The State Committee may issue appropriate directions to the District Committee regarding the proposals sent or to be sent for withdrawal of prosecution and make suitable recommendations to the Home Department in the matter of according approval in respect of the recommendations which are awaiting decision.

IV) The State Committee shall maintain record in the proforma, as Annexure 'C', attached to this order. Forms are annexed to this order as Proforma 'A', Proforma 'B', List 'B-I' and Proforma 'C'. When cases relating to the Forest, Labour or any other department are being considered for withdrawal, then the concerned senior most Administrative Officer in the State whether it be Additional Chief Secretary or Principal Secretary or Secretary of the concerned department shall also be invited as a special invitee to the said meeting."

There was a further direction on those committees for holding the meeting within the time frame as provided by this court and report to the competent authority with a copy to this court.

05. It appears that in terms of this said guidelines, the committees started functioning and they were recommending cases to the Department of Home for taking appropriate steps when the state finds those cases are eligible for recommending for withdrawal through the Public Prosecutor. Time to time, the reports were placed before this court. As per the direction, the replies were filed by the Secretary, Home Department, the Secretary, Law Department and the Director General of Police as well as the Sessions Judge under the directions of this court.

06. The Secretary, Law in his affidavit has given a detailed description how the case reduction drive was carried out. It appears that on 17.09.2015 a high level committee under the chairmanship of the Chief Secretary held their meeting and decided to initiate withdrawal of prosecution under Section 321 of the Cr.P.C. The said committee had decided that all cases where the accused were reportedly dead and the police were not able to collect the details in this regard for submitting before the trial courts and it was not possible to obtain the death certificate from the competent authority due to non-availability of any official record shall be withdrawn. All the cases having the maximum prescribed punishment/sentence upto two years and fall in any of the categories shall be withdrawn:

- (a) The accused are the Bangladeshis and there is no likelihood of their being apprehended.
- (b) The chargesheet/ court case is more than 15 years old.
- (c) The warrant issued by the Court could not be executed even after 10 years.

07. The Secretary, Law has submitted the State Litigation Policy [the SLP in short] with his reply, but this court does not find there any specific provision for withdrawal of the criminal cases or for reducing the pendency of insignificant prosecutions. It has been informed to this court by virtue of the communication dated 17.08.2015 [Annexure-R/6 to the reply filed by the Secretary, Law] that the State Government is in the process of considering withdrawal of the selected cases however, keeping in view of the larger implication of withdrawal, in a good number of cases, due diligence is being exercised before arriving at a decision. All the cases identified for withdrawal are not strictly covered under definition of petty offences provided by Section 206(2) of the Cr.P.C. As there is no standing guidelines on the matter, the process is taking time.

08. Almost a similar stand has been taken by the Secretary, Home Department. But with the reply he has produced the Action to be Taken Report in respect of adjourned sine die criminal cases. Even the Director General of Police has been apprised of the said policy of the state. The Secretary, Home Department has produced the minutes of the various meetings which were exclusively convened for finding out the cases eligible for withdrawal as per the said policy. In the reply filed by the Director General of Police, while reproducing the policy measures taken by the state in various layers, it has been asserted that a series of exercises were taken to categorise the pending sine die cases according to new parameters as decided by the state in the meeting headed by the Chief Secretary. A list of the cases those were identified as eligible for withdrawal of prosecution has been made available to this court. It has been brought to our notice that in several

layers, the committees were constituted in terms of the direction of this court and those committees have given the catalogue of the eligible cases for withdrawal.

09. On scrutiny of the records, we are satisfied that the state has changed its policy direction in respect of reduction of old pending prosecutions and the various committees as set up under the direction of this High Court have been functioning harmoniously. The state has been taking due consideration of the proposal sent by those committees to finalize the list of the eligible cases to be recommended for withdrawal. A consolidated statement is available with the affidavit filed by the Secretary, Law. Thus it appears that a good number of cases were found eligible where the prosecution can be withdrawn. The cumulative position of 'stale and ineffective criminal cases' eligible for withdrawal and awaiting withdrawal as on 11.07.2017 is available at Annexure-R/8 to the reply filed by the Secretary, Law on 21.08.2017. The figure was for the period from 06.10.2017 till 11.07.2017, though our expectation was far more but the achievement by any yardstick is not insignificant.

10. Mr. B.C. Das, learned Advocate General has submitted that since the state has framed its policy to reduce the old pending stale and ineffective litigation by means of withdrawal of prosecution, the process would run effectively. Further direction in this writ petition for that reason is not required. The state would pursue their own policy which has been effectively formulated in terms of the directions, as quoted above by this court. But learned Advocate General has candidly submitted that all categories of cases, even if the prosecution is

pending for much longer time cannot be withdrawn and those are to be brought to their logical end in accordance with law. Those cases are related to heinous crimes.

11. The Home Department has already directed the Director General of Police to take special measure to execute the pending warrants in those cases and to file the report. The said department is harmoniously working with the court administration for execution of the warrant in order to bring the trials to their logical end. Learned Advocate General has by referring to Section 321 of the Cr.P.C. submitted that the cases cannot be also withdrawn without conforming to the conditions as laid down in the said provision. The withdrawal can ordinarily be permitted before the charge is framed. It can also be made after the charge is framed where no charge was required to be framed. In the cases falling under that category the accused should be acquitted, provided that where such offence was against any law relating to a matter to which the executive power of the union extends or was investigated by Delhi Special Police Establishment under the Delhi Police Establishment Act, 1946 or is involved with the misappropriation or destruction of, or damage to any property belonging to the Central Government, or was committed by a person in the service of the Central Government while acting or purporting to act in the discharge of his official duty, those cannot be withdrawn without consent of the Central Government. Further, the Prosecutor in charge of the case having not appointed by the Central Government, shall not, unless he has been permitted by the Central Government to do so, move the Court for its consent to withdraw from the prosecution and the Court shall, before according consent, direct the Prosecutor to

produce before it the permission granted by the Central Government to withdraw from the prosecution. The court therefore has to exercise their judicial discretion in terms of the provisions of Section 321 of the Cr.P.C. It is the prosecutor's discretion to ask the court accord the consent for the withdrawal and the Public Prosecutor shall by filing an application give the basic reason for such withdrawal. The two elements therefore as emerged are that the court must be satisfied that the Public Prosecutor has considered the materials and in good faith reached the conclusion that withdrawal from the prosecution will serve the public interest. The court must also consider whether the grant of consent may thwart or stifle the course of law or result in manifest injustice [see **Abdul Karim and Others vs. State of Karnataka and Others** reported in **(2000) 8 SCC 710**].

12. The Public Prosecutor shall apply his mind to the facts of the case and he cannot be extraneously influenced. But there is nothing illegal, if the Public Prosecutor receives any communication or instruction from the Government regarding withdrawal. Such instruction shall not be treated as 'extraneous consideration' if such instruction flows from the public interest or for ends of justice.

13. Mr. Somik Deb, learned Amicus Curiae did not express any reservation on the submission made by Mr. B. C. Das, learned Advocate General. However in order to bring to the notice of the court, he has referred a decision of the apex court in **Bairam Muralidhar vs. State of Andhra Pradesh** reported in **(2014) 10 SCC 380**, where the apex court has sounded caution and emphasized on the onerous task of the Public Prosecutor. It has been held that it is the obligation

of the public prosecutor to state what material he has considered. It has to set out those in brief in the petition for withdrawal of prosecution. The Court is required to give an informed consent. It is obligatory on the part of the Court to satisfy itself that from the materials it can reasonably hold that the withdrawal of the prosecution would serve the public interest. It is not within the domain of the Court to weigh the materials. However, it is necessary on the part of the Court to see whether the grant of consent would thwart or stifle the course of law or cause manifest injustice. A Court while giving consent under Section 321 of the Code is required to exercise its judicial discretion, and is not to be exercised in a mechanical manner. The Court cannot give such consent on a mere asking. It is expected of the Court to consider the materials on record to see that the application has been filed in good faith and it is in the interest of public interest and in order to sub-serve the interest of justice. Another aspect is as paramount. The Court is obliged to see whether such withdrawal would advance the cause of justice. It requires exercise of careful and concerned discretion because certain crimes are against the State and the society and the collective demands justice to be done. That practice is healthy for maintenance of the law and order situation in the society. The public prosecutor cannot act like the post office on behalf of the State Government. He is required to act in good faith, peruse the materials on record and form an independent opinion that withdrawal of the case would really subserve the public interest at large. An order of the Government on the public prosecutor in this regard is not binding. He cannot remain oblivious to his lawful obligations under the Code of Criminal Procedure. He owes his duty to

the Court as well as his duty to the collective. The Public Prosecutor can have the consultation with the State Government on the basis of which materials they have asked him to take steps to consider for withdrawal of the prosecution. Thus he can exercise an informed discretion in respect of withdrawal of the cases.

14. This court while passing the orders in this litigation has considered all those aspects and reasons and that is why the direction was issued given for scrutiny of the cases in various levels by the committees set up by this court. A good number of prosecutions, stale and insignificant, have been withdrawn during pendency of this litigation and we appreciate the way the state has acted in terms of those orders in order to reduce the insignificant and stale prosecutions. However, we are constrained to observe that the same cannot be said in respect of the execution of warrants in the old pending criminal cases throughout the state. A good number of criminal trials are pending for failure of execution of warrants issued by the respective trial courts. It has been noted in the administrative side that in a good number of cases, even the police is reluctant to execute the warrant on the ground that such cases are related to the 'surrendered extremists'. If the state has adopted the policy that the surrendered extremists shall not be arrested in order to reintegrate them in the mainstream of life, the state shall bring out such policy in the domain or on the legislative platform. But this way the state cannot act for giving the runaway offenders reprieve from prosecution. The state must come forward with their definite policy measures backed by law. What is being followed by the police rampantly is nothing but thwarting the process of law. The state shall refrain forthwith from such obnoxious

practice. It is, therefore, directed that by **31.05.2018** the Home Department shall identify those cases which are eligible for withdrawal for reintegration. After that, no such excuse shall be entertained by any court.

15. We have also noticed that the courts in their administrative side have repeatedly sent the list of the cases where warrants are pending for execution. Despite the assurances extended in the meetings at the district level or in the meeting with the Officer-in-Charge of the concerned police station, the result is not at all encouraging.

The Director General of Police is hereby directed to take a special drive so that all the warrants pending for execution throughout the state are executed or the report is filed to the concerned courts showing why such warrant could not be executed by the stipulated date. In the report, the concerned police officer shall mention whether they are in a position to execute such warrant or not. Unless the police is in a position to execute the warrants for whatever reason it shows their reluctance or incompetence. This remark has been made by us being alive of the situation that Tripura is a state having long boundary with Bangladesh and the neighbouring state Assam and it is probable that the offenders might cross the boundaries by making the task further onerous for the police in tracking down the offenders. But in the present scenario, the police can also take action to apprehend the proclaimed offenders by taking the help of the Interpol or the neighbouring state, Bangladesh, with which India has its extradition arrangement. We have not seen a single case where the police has

taken such action even though in some reports they have indicated that the offenders have crossed over to Bangladesh or to the neighbouring Assam. That apart, in some cases the police has indicated in their reports that the offenders are reported to have expired, but the state has not taken any action in terms of their own policy to withdraw those prosecution through the Public Prosecutor. The state shall take immediate action on those cases as the reports are available with the Superintendents of the Police. The list or catalogue of those cases can be had from the concerned court. For this purpose, We do hereby direct the concerned courts to make such list available to the Public Prosecutor/Addl. Public Prosecutor if they asked for such list being instructed by the state.

16. After 31.05.2018 the period as stipulated by us for execution of the warrants in the pending cases where trial is clogged for long time, if the Police Officer, entrusted to execute such warrant, fails without any reasonable excuse to execute the warrant or to submit a report in terms of the above, such act shall be treated, not only as deliberate violation but as an act to obstruct the administration of justice within the meaning of Section 2(c) of the Contempt of Courts Act, 1971. The concerned courts shall send the report of such non-execution of the warrants to the Registrar General, High Court of Tripura through the administrative channel. The Registrar General shall place such report before the competent bench for taking cognizance of criminal contempt on the basis of the materials as it would be available in the report.

17. Further, on taking an overall consideration of the matter this court is of the view that the committees formed as per guidelines of this court shall continue to exist and operate and they shall at least sit once in a year to review the situation and make the necessary recommendation for withdrawal of cases, covered by the policy of the state and in accordance with the provision laid down in Section 321 of the Cr.P.C. The yearly report of these committees shall be sent to the Registrar (Judicial), High Court of Tripura.

18. In terms of above observation and direction, this petition stands disposed of.

JUDGE

CHIEF JUSTICE