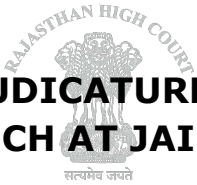




**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**



S.B. Criminal Miscellaneous (Petition) No. 6669/2025

Nathi Devi W/o Shri Ram Chandra, Aged About 75 Years,
Resident Of Saknay Dhani, Seemavatan Tan Bagwada, Police
Station Amer Jaipur (Rajasthan).

-----Petitioner

Versus

State of Rajasthan, through Public Prosecutor.

-----Respondent



For Petitioner(s) : Mr.Pushpendra Sharma
For Respondent(s) : Mr.Amit Punia, Addl.GA-cum-PP

JUSTICE ANOOP KUMAR DHAND

Order

03/11/2025

Reportable

Pendency of criminal trials for decades severely hampers the justice administration system by violating the fundamental right to a speedy trial. This failure erodes public trust, causes human rights violation and undermines the Rule of Law. This systematic failure has profound and far reaching negative impact on victims, accused persons and the Society at large.

The adage "Justice delayed is justice denied" is particularly relevant for prolonged delays causing citizens to lose faith and confidence in the justice administration system to delivery timely and effective justice.

The right to a speedy trial is an integral part of the right to life and personal liberty, as guaranteed under Article 21 of the



Indian Constitution. Decades long pendency of cases is a direct violation of this right.

As cases drag on, evidence can be lost, witnesses may become untraceable, hostile or they may even forget crucial details about the case. It severely impacts the ability to present evidence and also weakens the case of both the prosecution and defence. This affects the fairness and quality of the judgment as well.

When the judicial process becomes slow, due to prolonged absconsion of the accused for decades, the offenders often believe that they can evade trial and consequent punishment for years, which disheartens and undermines the deterrent effect of the law, thereby affecting the overall law and order in the Society.

1. By way of filing the instant criminal petition, a challenge has been led to the impugned order dated 10.09.2025 passed by the Additional Chief Judicial Magistrate No.5, Jaipur Metropolitan-I in the Criminal Case No.642/1990 whereby the application submitted by the petitioner under Section 70(2) Cr.P.C. for converting the arrest warrant into bailable warrant has been rejected.

2. Learned counsel for the petitioner submits that an F.I.R. No.203/1983 was registered against the petitioner with the Police Station Amer, wherein she was charge-sheeted and was facing trial for the offences under Sections 147, 148, 149, 323 & 325 IPC before the trial Court. Subsequently, her bail bonds were forfeited on 30.04.1987 due to absence of the petitioner. Counsel submits that the petitioner is a rustic lady and she was not aware about the pendency of the aforesaid criminal case against her since her





husband was taking care of the aforesaid case, who passed away on 07.11.2019. Counsel submits that as soon as the petitioner came to know about the issuance of arrest warrant, immediately thereafter, she has filed an application under Section 70(2) Cr.P.C. for conversion of the aforesaid arrest warrant into bailable warrant.

3. Per contra, learned Public Prosecutor opposes the prayer and submits that the aforesaid criminal case is lying pending against the petitioner before the trial Court for last more than 40 years and her bail bonds were forfeited in the year 1987 and since then more than 38 years have passed. Counsel submits that under these circumstances, the prayer sought for by the petitioner should not be granted and the instant misc. petition is liable to be rejected.

4. Heard and considered the submissions made at the Bar and perused the material available on record.

5. Perusal of the record indicates that the petitioner is facing trial for the offences under Sections 147, 148, 149, 323 & 325 IPC before the trial Court for last more than 40 years. On account of her absence, her bail bonds were forfeited on 30.04.1987 and thereafter, arrest warrant has been issued against her, and when she failed to appear before the Court below, standing arrest warrant was issued on 12.10.2000 and she was declared as absconder and the charge-sheet under Section 299 Cr.P.C. was submitted against her on 12.10.2000.

6. This Court finds no force in the arguments raised by counsel for the petitioner that the petitioner is a rustic villager and she





was not aware about pendency of the aforesaid criminal case against her as her husband was taking care of the matter. The husband of the petitioner had passed away in the year 2019 and more than 6 years have passed thereafter. In the light of the above, this Court finds that the instant case is a case of abuse of process of law, where the proceedings of the trial Court have been hampered for last more than 40 years for want of appearance of the petitioner.



7. Facts of the case depict a very gloomy picture of the Administration of Justice because in the case in hand surprisingly the police authorities are unable to apprehend the petitioner who is residing at the same place since last four decades. The bail bonds of the petitioner were forfeited in the year 1987 and she was declared as absconder and thereafter, standing arrest warrants were issued in her name. The petitioner's absence for last more than 38 years amounts to gross abuse of process of law. Such a long period of absconsion purportedly amounts to intimidating the witnesses to turn hostile and forget their memories about the incident. It is quite shocking that in the instant matter, the F.I.R. was registered in the year 1983, the petitioner absconded in the year 1987, but till date, she has not been apprehended by the police and we are now in the year 2025, i.e., 38 years since the petitioner's absconsion, and the trial is yet at its initial stage.

8. If the contentions of the petitioner are allowed to stand then it would be a mockery of law and justice. It would be easy for any accused to commit crime, remain in absconsion, compel the police



to file charge-sheet in his absence under Section 299 of Cr.P.C. or trial remained hampered for considerable long years and for several decades, so that the prosecution witnesses may not support the case of the prosecution after lapse of so many decades when the accused is apprehended or appears to face the pending trial.

Therefore, without participating in the investigation and trial, such type of mischievous criminals would have the last laugh and, would render the Administration of Justice vulnerable to the extent of frailty. Same is not permissible. In the instant case, the petitioner is at large since 1987 and still is under absconsion. On the other hand, the petitioner had preferred the instant petition to quash the standing warrants, issued against her, enabling her to appear before the trial Court to face the trial.

9. This Court finds no valid ground to entertain the instant criminal misc. petition. Accordingly, the same is hereby rejected. Stay application and all pending application(s), if any, also stand dismissed.

10. This Court feels pain to observe that there are several accused, whose bail bonds have been ordered to be forfeited for several decades back and they are avoiding facing trials since long, due to which whole process of trial is hampered. On several occasions, Courts issue their arrest warrants against them to procure their appearance before the Court to face the trial, but the Police Authorities fail to execute the said warrants without any justified reasons due to which the trial remains lingering on for an indefinite period.



11. The Police Authorities are duty bound to trace the absconding accused across the Nation and execute the warrants and produce the accused before the Court ensuring that they face trial, which is pending against them for a long period. They cannot be allowed to take the plea that the accused is 'untraceable'. Such unwarranted plea of the Police deserves no acceptance.

This is a legal requirement to ensure the accused person's presence for trial, which is crucial for a fair and just legal process. The Police must execute the warrant without any unnecessary delay and must notify the person of the warrant's substance. Warrants are not optional, they are legal orders from the Court that the Police must carry out as part of their duty to the justice administration system.

12. Taking a serious note of all the above, this Court deems it just and proper to issue a direction to the Principal Secretary, Department of Home, Government of Rajasthan and Director General of Police to create a special cell for tracing out the Absconding Accused and Proclaimed Offenders to face trial, so that the victims of the crime get timely justice.

13. The trial Court is also expected to complete and conclude the trial expeditiously as early as possible after presence of the accused is secured.

14. Let a copy of this order be sent to them for compliance of the directions issued in Para No.12 of this order.

(ANOOP KUMAR DHAND),J