

Criminal trial – Director of Prosecution – State – Role of – By not filing the appeals by the State against the impugned judgments and orders releasing the accused on bail in such a serious matter, the State has failed to protect the rights of the victim – This was the fit case where the State ought to have preferred the appeals challenging the orders passed by the High Court releasing the accused on bail – In criminal matters the party who is treated as the aggrieved party is the State which is the custodian of the social interest of the community at large and so it is for the State to take all the steps necessary for bringing the person who has acted against the social interest of the community to book – Even the Director of Prosecution has failed to perform his duties in the instant case – The post of Director of Prosecution is a very important post in so far as the administration of justice in criminal matters is concerned – It is the duty of the Director of Prosecution to take prompt decision – Given that crimes are treated as a wrong against the society as a whole, the role of the Director of Prosecution in the administration of justice is crucial – He is appointed by the State Government in exercise of powers under Section 25A of the Code of Criminal Procedure – He has a crucial role with a minimum legal experience of not less than ten years for a person to be eligible to be Directorate of Prosecution and that such an appointment shall be made with the concurrence of the Chief Justice of the High Court – Stand of the State that it takes time to take a decision whether to prefer an appeal or not is not acceptable – The State ought to have been very serious even to maintain the rule of law in a serious matter like this where a person was brutally murdered/killed while he was just collecting scrap outside the factory with his wife and aunt – It is the duty of the Director of Prosecution and the State to ensure that the guilty are booked and punished – We hope and trust that in future the State Government/legal department of State Government and the Director of Prosecution shall take prompt decision in matters such as this and challenge the order passed by the trial court and/or the High Court as the case may be where it is found that the accused are released on bail in serious offences like the present.

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