

IN THE HIGH COURT OF JHARKHAND, RANCHI
W.P. (Cr.) No. 250 of 2024

1. Chaitanya Swarup Gupta, aged about 51 years, son of Rameshwar Sao
 2. Bimla Devi, aged about 67 years, wife of Rajeev Rameshwar Sao
 3. Aman Sao @ Bunty @ Aman Kumar son of Balram Sahu, aged about 33 years, all resident of village Chund, PS Mandar, PO Brambe, District – Ranchi
- Petitioners**

-- Versus --

1. The State of Jharkhand
 2. Triloki Munda, son of Sukar Munda, resident of Village – Adra, PO and PS – Thakurgaon, District – Ranchi
 3. Crime Investigation Department, having office at PO and PS Dhurwa, District Ranchi
- Respondents**

With

W.P. (Cr.) No. 952 of 2023

1. Rajeev Kumar, aged about 59 years, son of Satyadeo Roy
 2. Sharmila Singh, aged about 48 years, wife of Rajeev Kumar, both Resident of Gauri Shankar Nagar, Doranda, PS Argora, PO Doranda, District - Ranchi
- Petitioners**

-- Versus --

1. The State of Jharkhand
 2. Badal Kumar, son of Late Bhola Godait, resident of Village – Adra, PO and PS – Thakurgaon, District - Ranchi
 3. Crime Investigation Department, having office at PO and PS Dhurwa, District Ranchi
- Respondents**

With

W.P. (Cr.) No. 1022 of 2023

1. Rajeev Kumar, aged about 59 years, son of Satyadeo Roy

2. Sharmila Singh, aged about 48 years, wife of Rajeev Kumar, both Resident of Gauri Shankar Nagar, Doranda, PS – Argora, PO – Doranda, District – Ranchi

.... **Petitioners**

-- Versus --

1. The State of Jharkhand

2. Triloki Munda, son of Sukar Munda, resident of village – Adra, PO and PS – Thakurgaon, District – Ranchi

3. Crime Investigation Department, having office at PO and PS Dhurwa, District Ranchi

.... **Respondents**

With

W.P. (Cr.) No. 1077 of 2023

1. Rajeev Kumar, aged about 59 years, son of Satyadeo Roy

2. Sharmila Singh, aged about 48 years, wife of Rajeev Kumar, both Resident of Gauri Shankar Nagar, Doranda, PS Argora, PO Doranda, District - Ranchi

.... **Petitioners**

-- Versus --

1. The State of Jharkhand

2. Emen Toppo, wife of Joseph Toppo, aged about 60 years, resident of Village – Gurugain, Mandanatoli, PO and PS – Thakurgaon, District – Ranchi

3. Crime Investigation Department, having office at PO and PS Dhurwa, District Ranchi

.... **Respondents**

With

W.P. (Cr.) No. 258 of 2024

1. Chaitanya Swarup Gupta, aged about 51 years, son of Rameshwar Sao

2. Bimla Devi, aged about 67 years, wife of Rameshwar Sao

3. Aman Sao @ Bunty @ Aman Kumar son of Balram Sahu, aged about 33 years, all resident of village Chund, PS Mandar, PO Brambe, District – Ranchi

.... **Petitioners**

-- Versus --

1. The State of Jharkhand

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2. Emen Toppo, wife of Joseph Toppo, aged about 60 years, resident of Village – Gurugain, Mandanatoli, PO and PS – Thakurgaon, District – Ranchi

3. Crime Investigation Department, having office at PO and PS Dhurwa, District Ranchi

.... Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Petitioners :- Mr. Nilesh Kumar, Advocate
W.P. (Cr.) No. 250 of 2024
W.P. (Cr.) No. 952 of 2023
W.P. (Cr.) No. 1022 of 2023
W.P. (Cr.) No. 1077 of 2023
W.P. (Cr.) No. 258 of 2024

For the State :- Mr. Deepankar Roy, Advocate
For respondent No.2 :- Mr. Abhishek Krishna Gupta, Advocate
:- Mr. Jeetendra Kumar Mishra, Advocate
:- Ms. Neha Agrawal, Advocate

08/24.10.2024 By order dated 10.09.2024, by way of last indulgence, time was allowed to file counter affidavit on behalf of the respondent no.2 and the matter was posted for 18.09.2024. On 18.09.2024, the respondent no.2 further took time to file counter affidavit in W.P.(Cr) No.1077 of 2023 and on that day, Mr. Manoj Kumar, the learned counsel for the respondent State submitted that the matter is transferred to C.I.D. and in view of that, C.I.D was made respondent no.3 and Mr. Manoj Kumar, who is learned counsel for the respondent State was directed to file counter affidavit. On 16.10.2024 in all these writ petitions, I.As have been filed on behalf of the respondent no.2 praying for further time to file counter affidavit which was allowed and it was observed that if the counter affidavit will not be filed by the respondent no.2, these writ petitions shall be heard in absence of the counter affidavit of respondent

no.2 and the matter was listed for 24.10.2024.

2. Today, these matters were taken up at 1:00 p.m and Mr. Nilesh Kumar, the learned counsel for the petitioners has advanced his argument. His argument in the first case was already concluded. Mr. Deepankar Roy, the learned counsel appearing for the respondent State has also argued the matter on behalf of the respondent State in the first case and by that time, it was the recess time at 1:30 p.m. and in view of that, these matters were again taken after recess and when these matters are taken up after recess, Mr. Ashutosh Anand, the learned A.A.G. -III appearing on behalf of the respondent State has taken charge on behalf of the respondent State and he submits that one I.A has been filed for adjournment of these cases on the ground that one of the case filed by this petitioner in W.P.(Cr.) No.471 of 2022, which one of the F.I.R filed against the petitioner was quashed by this Court which was challenged by the respondent State before the Hon'ble Supreme Court in Special Leave Petition (Criminal) Diary No.36122 of 2024 in which notice has been issued. He submits that the said matter is coming on 19.11.2024 before the Hon'ble Supreme Court. He submits that for that the I.A. has been filed.

3. When the Court enquired about the said I.A, the Court Master has informed the Court that the said I.A is not on the record. The Court asked the Court Master to enquire as to whether any I.A is filed or not?, on enquiry, the officer of the concerned section has come to the Court along with the said I.A and has pointed out that this I.A is filed at

2:23 p.m. At the time of taking up these matters, Mr. Deepankar, the learned counsel for the respondent State has not pointed out that the State is in process of filing of the said I.A. for adjournment, which clearly suggest that how the State is bent upon that this Court may not hear these matters which clearly suggest that the State is hunting the Bench which has been deprecated by the Hon'ble Supreme Court as well as the High Courts and a reference may be made to the case of ***Kamini Jaiswal v. Union of India, (2018) 1 SCC 156.***

4. However, Mr. Deepankar, the learned counsel appearing for the respondent State has prayed for time and in view of chequered history of the case, the prayer made by Mr. Deepankar, the learned State counsel is rejected and thereafter hearing commenced.

5. In all these cases, separate F.I.Rs are there and the subject matter before the Hon'ble Supreme Court was the another F.I.R. Thus, there is no connection of these writ petitions with regard to the subject matter of F.I.R which is before the Hon'ble Supreme Court in which only notice has been issued as pointed out and there is no stay in that case. The Hon'ble Supreme Court has not stayed the matter, and since notice is issued in one of the case, the other cases pending before the High Court relating to different F.I.Rs will not be decided that is not the direction of the Hon'ble Supreme Court and even the Hon'ble Supreme Court says, that if the issue is referred to the Larger Bench, the prevailing law on the day, will prevail and the High Courts are required to decide the case on the basis of prevailing law. Reference may be made to

the case of ***Union Territory of Laddakh v. Jammu and Kashmir National Conference and Others, 2023 SCC OnLine SC 1140*** (para-35).

6. In view of above facts, it is crystal clear that the respondent State is hunting for Bench which is deprecable. This conduct of the respondent State is required to be dealt with by the Court with all strength as nobody is allowed to play with the majesty of the Court.

7. In view of that, the I.A. which has been taken on record, is, hereby, dismissed with cost of Rs.One lac to be deposited, out of which Rs.50,000/- will be deposited with Jharkhand High Court Advocates' Association and rest Rs.50,000/- will be deposited with Jharkhand High Court Advocates Clerks' Welfare Association.

8. In first case, the argument on behalf of the petitioner(s), the respondent State as well as respondent no.2 is completed. However, due to paucity of time, the argument in rest of the cases have not been completed.

9. Let these matters appear on 28.10.2024.

10. Interim orders passed in respective cases shall remain in force till the next date.

(Sanjay Kumar Dwivedi, J.)

SI/-