

VERDICTUM.IN

ITEM NO.32

COURT NO.5

SECTION II-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition for Special Leave to Appeal (Crl.) No.9859/2023

[Arising out of impugned final judgment and order dated 19-05-2023 in CRMP No. 325/2017 passed by the High Court of Jharkhand at Ranchi]

SATISH KUMAR RAVI

Petitioner(s)

VERSUS

THE STATE OF JHARKHAND

Respondent(s)

(IA No. 158964/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 236772/2023 - EXEMPTION FROM FILING O.T., IA No. 158963/2023 - EXEMPTION FROM FILING O.T., IA No. 252467/2024 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 29-11-2024 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA
HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

For Petitioner(s) Mr. M. Shoeb Alam, Sr. Adv.
Mr. Ujjwal Singh, AOR
Mr. Mojahid Karim Khan, Adv.
Mr. Shadab Eqbal, Adv.
Mrs. Atefa Perwez, Adv.
Mr. Abhishek Naik, Adv.
Mrs. Gulafsha Qureshi, Adv.

For Respondent(s) Mr. Vishnu Sharma, Adv.
Ms. Madhusmita Bora, AOR
Mr. Pawan Kishore Singh, Adv.
Mr. Dipankar Singh, Adv.
Mrs. Anupama Sharma, Adv.
Ms. Pavithra V., Adv.

UPON hearing the counsel the Court made the following
O R D E R

Perused the affidavit of Shri Deepak Kumar, Deputy Superintendent of Police, Shri Tarkeshwar Prasad Kesari, Investigating Officer and Shri Dayanand Kumar, Station House

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Officer. They have stated that they read the order of this Court which directed them not to take any further action against the petitioner as an order directing that no coercive action shall be taken against the petitioner.

They have relied upon a letter dated 15th April, 2011 addressed by the Additional Director General of Police, Jharkhand to all Police Officers in the State. It is stated in the letter that even if court passes an order that no coercive action shall be taken as against the particular accused, there is no prohibition on filing charge-sheet against the accused. If a charge sheet is filed by relying upon clause 3 of letter dated 15th April, 2011 against an accused in whose favour there is an order directing not to take coercive action, the concerned officer will expose himself to contempt jurisdiction.

Therefore, what is stated in paragraph 3 of letter dated 15th April, 2011 is completely illegal. We direct the learned counsel appearing for the State to invite attention of the Additional Director General of Police to observations of this court. We expect him to immediately modify the letter dated 15th April, 2011.

The apology tendered by three officers is accepted and no further action is called for against them. Hence, notice of contempt is discharged.

List the petition for hearing on 17th January, 2025.

Interim relief granted by this Court shall continue to operate.

(KAVITA PAHUJA)
AR-cum-PS

(AVGV RAMU)
COURT MASTER (NSH)