

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Revision No.76 of 2024

Janardan Paswan & Ors. Petitioners
Versus
The State of Jharkhand & Anr. Opp. Parties

CORAM : HON'BLE MR. JUSTICE SUBHASH CHAND

For the Petitioners : Mr. Ajit Kumar, Sr. Advocate
Mrs. Akriti Shree
For the State : Mr. Pankaj Kumar Mishra, A.P.P.
For the O.P. No.2 : Mr. Rajiv Nandan Prasad, Advocate
Mr. Sushant Kumar Sinha, Advocate

04/16th February, 2024

1. Learned senior counsel for the petitioners assisted by Mrs. Akriti Shree, Advocate, learned A.P.P. for the State and learned counsel for the O.P. No.2 assisted by Mr. Sushant Kumar Sinha, Advocate are present.
2. The instant criminal revision has been directed against the order dated 6th January, 2024 passed by the learned Sessions Judge, Chatra in Misc. Criminal Application No.1494 of 2023, whereby and whereunder the application under Section 319 Cr.P.C. summoning the petitioners in connection with Pratappur P.S. Case No.07 of 2018 was allowed.
3. Learned senior counsel for the petitioners has submitted that vide order dated 10th July, 2023, the learned trial court has rejected the application under Section 319 Cr.P.C. by which the petitioners were sought to be summoned, on the ground that the investigation against them was pending. Subsequently, an application was also moved on 8th December, 2023 under Section 319 Cr.P.C. summoning the present petitioners which was allowed vide order dated 6th January, 2024. It is further submitted that in the impugned order it is nowhere mentioned that the investigation which was pending against the petitioners has been concluded or they have been exonerated. Even there is nothing in the impugned order that the present petitioners were charge-sheeted. Under the same facts and circumstances of the case, the learned trial court has allowed the application under Section 319 Cr.P.C. by passing the impugned order dated 6th January, 2024. In view

of above submissions, learned senior counsel for the petitioners prayed to stay the operation of the impugned order.

4. Learned counsel for the O.P. No.2 vehemently opposed the contentions made by the learned senior counsel for the petitioners and contended that he has information that final report has been filed in which the present petitioners have been exonerated. He further submitted that since the complete documents are not available with him, therefore, three weeks' time may be granted.
5. The time, as prayed for by the learned counsel for the O.P. No.2 is granted.
6. Office is directed to call for the scanned copy of record of learned trial court.
7. List this case on 7th March, 2024.
8. Till then, the operation of the impugned order dated 6th January, 2024 in connection with Pratappur P.S. Case No.07 of 2018 pending in the court of learned Sessions Judge, Chatra is, hereby, stayed.

(Subhash Chand, J.)

Rohit