

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P (S). No. 4939 of 2016

Ashok Prasad Sah

..... **Petitioner**

Versus

The State of Jharkhand & Ors.

..... **Respondents**

CORAM: HON'BLE MR. JUSTICE DEEPAK ROSHAN

For the Petitioner : Mr. A.K. Sahani, Advocate

For the Respondents : Mr. Mithilesh Singh, GA-IV

42/08.10.2025 Mr. A.K. Sahani, learned counsel representing the petitioner has raised several grounds and one of such ground was that no oral witness was examined in order to prove the documents relied upon by the respondent-Department. In support of his arguments, he relied upon the judgments of *Roop Singh Negi Vs. Punjab National* [(2009) 2 SCC 570]; *State of Uttar Pradesh v. Saroj Kumar Sinha*, [(2010) 2 SCC 772]; & *Satyendra Singh Vs. State of U.P. & Anr.* [SLP (Civil) No. 29758 of 2018]. He specifically referred para-28 of the judgment passed in the *Saroj Kumar Sinha (supra)*, wherein the Hon'ble Apex Court has held, "..... *Since no oral evidence has been examined the documents have not been proved, and could not have been taken into consideration to conclude that the charges have been proved against the respondent*".

2. Per contract, Mr. Mithilesh Singh, learned counsel for the respondents draws attention of this Court toward the judgment passed in the case of *State Bank of India & Ors. Vs. Narendra Kumar Pandey* [2013) 2 SCC 740], wherein the Hon'ble Apex Court has held that, "..... *In an ex parte enquiry, in our view, if the charges are borne out from the documents kept in the normal course of business, no oral evidence is necessary to prove those charges*".
3. Looking to the aforesaid two judgments, it appears that sole question which has to be adjudicated first is "*whether in an ex parte enquiry, the charges and the documents can be proved without any oral evidence?*"
4. List this case for further hearing on 17.11.2025.

(Deepak Roshan, J.)

8th October, 2025

Kunal