

IN THE HIGH COURT OF JHARKHAND AT RANCHI
B.A. No. 4931 of 2026

Resham Singh @ Resham

... Petitioner

Versus

The State of Jharkhand

...

Opposite Party

CORAM: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioner : Mrs. Juhi Kumari, Advocate
(Through JHCLSC)

: Mr. Pratik Sen, Advocate

For the State : Mr. Bhola Nath Ojha, Spl. P.P.

Order No.02 Dated- 10.06.2026

I.A. No.7205 of 2026

Heard the parties.

This interlocutory application has been filed with the prayer to allow the conducting counsel to file *Vakalatnama* on behalf of the petitioner.

It is submitted by Mr. Pratik Sen, the learned counsel for the petitioner who has filed *Vakalatnama* executed by the petitioner that the petitioner intends to engage his own private Advocate. It is next submitted that the petitioner has been in custody since 13.06.2025.

Mr. Pratik Sen, the learned counsel for the petitioner relies upon the Judgment of the Hon'ble Supreme Court of India in the case of **R.D. Saxena Vs. Balram Prasad Sharma**, reported in (2000) **7 SCC 264**, para -15 & 16 of which reads as under:-

"15. A litigant must have the freedom to change his advocate when he feels that the advocate engaged by him is not capable of espousing his cause efficiently or that his conduct is prejudicial to the interest involved in the lis, or for any other reason. For whatever reason, if a client does not want to continue the engagement of a particular advocate it would be a professional requirement consistent with the dignity of the profession that he should return the brief to the client. It is time to hold that such obligation is not only a legal duty but a moral imperative.

16. In civil cases, the appointment of an advocate by a party would be deemed to be in force until it is determined with the leave of the court [vide Order 3 Rule 4(1) of the Code of Civil Procedure]. In criminal cases, every person accused of

an offence has the right to consult and be defended by a legal practitioner of his choice which is now made a fundamental right under Article 22(1) of the Constitution. The said right is absolute in itself and it does not depend on other laws. In this context reference can be made to the decision of this Court in State of M.P. v. Shobharam [AIR 1966 SC 1910 : 1966 Cri LJ 1521] . The words "of his choice" in Article 22(1) indicate that the right of the accused to change an advocate whom he once engaged in the same case, cannot be whittled down by that advocate by withholding the case bundle on the premise that he has to get the fees for the services already rendered to the client."

And submits that since in criminal cases, every accused person of an offence has the right to consult and be defended by a legal practitioner of his choice which is now made a fundamental right under Article 22(1) of the Constitution of India; So the petitioner cannot be deprived of the engagement of a lawyer of his choice more so keeping in view the conduct of the Advocate engaged by the High Court of Jharkhand Legal Services Committee; who though has filed the petition on 20.04.2026 with defects and though the defect was pointed out by the stamp reporter on 25.04.2026 about the typed copy of hand written pages of the annexures be given, the same was filed on 30.05.2026 and the simple defect could be cured only after a delay of more than one month.

Considering the aforesaid facts, this Court is of the considered view that this is a fit case where the petitioner be permitted to engage a lawyer of his choice and in this case, since *Vakalatnama* has been executed by the petitioner in favour of Mr. Pratik Sen, Advocate. Mr. Pratik Sen, Advocate, is permitted to appear on the above the petitioner and the advocate engaged through the High Court legal services committee is discharged in this bail application.

A copy of this order be supplied to the Member Secretary, High Court of Jharkhand Legal Services Committee with the direction to ensure that henceforth no defective filing of any application is made by any of the counsel engaged by it in any case and unnecessary and unusually long time is not taken by the

advocates engaged by it, in removing the defects pointed out by the stamp reporter.

This interlocutory application is disposed of accordingly.

(Anil Kumar Choudhary, J.)

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The learned counsel for the petitioner prays for time.

Prayer for time is allowed as the last chance.

List this bail application after one week.

(Anil Kumar Choudhary, J.)

10.06.2026
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