

IN THE HIGH COURT OF JHARKHAND AT RANCHI
CrMP No. 1793 of 2024

Vikash Kumar Agrawal @ Vikash Kumar Agrawal
... Petitioner
Versus
The State of Jharkhand & Anr. ... Opp. Parties

Coram: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioner : Mr. Abhijeet Kr. Singh , Adv.
For the State : Ms. Kumari Rashmi, Addl. PP

03 / 03.07.2024

Heard the parties.

Learned counsel for the petitioner prays to implead the informant as opposite party no. 2.

Prayer is allowed.

The petitioner is directed to incorporate the Sr. Superintendent of Police, Dhanbad as Opposite Party No. 2 in course of the day.

Drawing attention of the court to the order dated 10.10.2023 in Anticipatory Bail Petition no. 3043 of 2023 . It is submitted by the learned counsel for the petitioner that therein it has categorically been mentioned that the I.O. has submitted a report that the documents submitted by the petitioner, in respect of the coal which was found in the premises of the M/s Vijay Laxmi Coke Industry, Laladih in the district of Dhanbad was genuine and tax invoice was duly reflected in GST portal but still the I.O. namely Bhim Kumar Yadav, Assistant Sub-Inspector of Police, posted in Baliyapur Police Station submitted charge sheet against the petitioner for having committed the offence punishable under Sections 379, 414 read with Section 34 of the IPC, Section 4/21 of MMDR Act, Rule 9 / 13 of JMPIMTS Rules and Section 4(A) / 5 of the MMDR Act and the

same has been forwarded by the officer-in-charge of Baliapur police station namely Subedar Kumar Yadav, the Sub- inspector of Police.

Considering the aforesaid submissions made at the bar, the respondent no. 2 being the Senior Superintendent of Police, Dhanbad is directed to conduct an enquiry and file a counter affidavit intimating therein as to whether as mentioned in the order dated 10.10.2023 of ABA No. 3043 of 2023, the I.O. in the Baliapur P.S. case no. 125 of 2023 found the documents of the ownership of the coal found inside the premises of M/s Vijay Laxmi Coke Industry, Laladih was genuine and tax invoices were duly reflected in GST portal and if yes, then why charge sheet has been submitted against the petitioner for having committed the offences punishable under Sections 379, 414 read with Section 34 of the IPC.

If The Sr. Superintendent of Police finds that the I.O. of the case as well as the officer-in-charge of Baliapur Police Station, without any justifiable reason has submitted charge sheet alleging commission of the offences inter alia punishable under Sections 379, 414 read with Section 34 of the IPC, then Sr. Superintendent of Police, Dhanbad is directed to take appropriate disciplinary action against the errant officials and to mention the same in the counter affidavit to be filed.

Issue notice to the Opposite Party no. 2 along with the copy of this order.

The petitioner is directed to file requisites of notice through both processes i.e. under registered post with A/D as well as under process of the Court, within two weeks, failing which, this criminal miscellaneous petition shall stand dismissed without further reference to the Bench.

Rule is made returnable within six weeks.

List this case on 09.09.2024.

If the counter affidavit is not filed by the opp. Party no. 2 by 06.09.2024, then the opp. Party no. 2- Sr. Superintendent of Police, Dhanbad is directed to remain physically present before this Court on 09.09.2024 at 10.30 A.M.

(ANIL KUMAR CHOUDHARY, J.)

Smita/-