

IN THE HIGH COURT OF JHARKHAND AT RANCHI
CrMP No. 1990 of 2021

Abhay Kumar Mishra ... Petitioner
Versus
The State of Jharkhand & Ors. ... opp. parties

With
W.P. (Cr.) No. 358 of 2019

Sri Ram Krishna Seva Singh Vivekanand Vidya Mandir ... Petitioner
Versus
The State of Jharkhand & Ors. ... Respondents

With
W.P. (Cr.) No. 268 of 2021

Abhay Kumar Mishra ... Petitioner
Versus
The State of Jharkhand & Ors. ... Respondents

With
CrMP No. 2179 of 2021

Kashi Nath Mukherjee & Anr. ... Petitioners
Versus
The State of Jharkhand & Ors. ... opp. parties

With
CrMP No. 2353 of 2021

Malay Kumar Nandi & Anr. ... Petitioners
Versus
The State of Jharkhand & Ors. ... opp. parties

Coram: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioners : Mr. Ajit Kumar, Sr. Adv.
Mr. Krishna Prajapati , Adv.
Ms. Akritishree, Adv.
Mr. Anshuman Mishra , Adv.
Mr. Ranjit Kr. Tiwari , Adv
For the opp. party : Mr. Fahad Allam, Addl. PP.
Mr. Ashutosh Anand, AAG III.
Mr. Binit Chandra, AC to AAG III
: Mr. Mahesh Tewari (In person in CrMP No. 1990 of 2021, W.P.(cr.) 268 of 2021 and for respondent nos. 7 to 11 in W.P.(cr.) 358 of 2019)

04 / 13.06.2025

I.A. No. 6956 of 2025 (in CrMP No. 1990 of 2021)

Heard the parties.

2. Learned senior counsel for the petitioner submits that this interlocutory application has been filed with the prayer to amend the criminal miscellaneous petition by incorporating the additional prayer to quash the charge sheet submitted by police as well as the order taking cognizance dated 13.03.2024 passed by learned JMFC, XVII, Ranchi passed in Jagarnathpur P.S. case no. 314 of 2017. It is next submitted by learned senior counsel for the petitioner that the proposed amendment is necessitated because of development took place after filing of the Criminal Miscellaneous Petition.
3. Learned counsel for the State submits that the state has no objection to the prayer for amendment made by the petitioner in this I.A.
4. Mr. Mahesh Tewari, the opp. party no. 4, appearing in person, vehemently objects the prayer to amend the petition on the ground that because of the pendency of this criminal miscellaneous petition and the interim order passed in the criminal miscellaneous petition, the further proceeding of Jagarnathpur P.S. case no. 314 of 2017 is not proceeding, hence, this interlocutory application being without any merit be dismissed.
5. Having heard the submissions made at the bar and after going through the materials in the record it is pertinent to mention here that this criminal miscellaneous petition has been filed with the prayer to quash the FIR of Jagarnathpur P.S. case no. 314 of 2017. As a sequel to the said FIR, upon investigation of the said case, chargesheet has been submitted and the cognizance for the offence has been taken by learned Magistrate on 13.03.2024. The undisputed facts remains that both the submission of the chargesheet and the order taking cognizance dated 13.03.2024 took place after filing of the criminal miscellaneous petition and the main prayer made in the criminal miscellaneous petition of quashing the FIR of Jagarnathpur P.S. case no. 314 of 2017,

hence, has a bearing upon the cognizance order which has been passed in the said Jagarnathpur P.S. case no. 314 of 2017 by the learned Judicial Magistrate.

6. Under such circumstances, this Court is of the considered view that this is a fit case where the prayer for amendment of the criminal miscellaneous petition made by the petitioner be allowed.
7. Accordingly, the prayer to amend the criminal miscellaneous petition as proposed in the I.A. is allowed. The petitioner is directed to file a consolidated criminal miscellaneous petition incorporating the amendment allowed by this court, by this order, within two weeks, failing which, this criminal miscellaneous petition shall be dismissed without further reference to the Bench.
8. This interlocutory application is disposed of accordingly.
9. The interim order, if any, passed earlier shall continue till next date of listing.

(ANIL KUMAR CHOUDHARY, J.)

W.P. (Cr.) No. 358 of 2019

1. A counter affidavit has been filed on behalf of the respondent no. 12 along with the same as Annexure A, a copy of the Final Form / Report has been annexed, page nos. 12 and 13 of which, appears to be relevant to this case but the same is illegible and on being asked by this Court to the learned counsel for the State to read the contents of the page nos. 12 and 13 thereof, the learned counsel for the State fairly submits that he is also not able to read the contents of the said pages of the Annexure A, as the same are illegible.
2. The respondent no. 12 is directed to file a legible copy of the Annexure A within two weeks. The respondent no. 12 prays for time for these same.
3. Prayer for time is allowed as the last chance.

4. List this petition after two weeks.

(ANIL KUMAR CHOUDHARY, J.)

I.A. No. 6501 of 2025 (in W.P. (Cr.) No. 268 of 2021)

1. Learned senior counsel appearing for the petitioner submits that this I.A. has been filed with a prayer to delete the relief portion of the present writ petition and for substituting the prayer made in para 1 of this writ petition as the relief portion. It is next submitted that because of printing error at page 65 of the writ petition, in the prayer portion, inadvertently, the prayer has been made to quash the FIR of Jagarnathpur P.S. case no. 314 of 2017 corresponding to G.R. Case no. 4994 of 2017 pending in the court of Judicial Magistrate, Ranchi. It is next submitted by learned senior counsel for the petitioner that in fact in the writ petition, the prayer has been made not to quash the Jagarnathpur P.S. case no. 314 of 2017 rather to transfer the entire records of Jagarnathpur P.S. case no. 314 of 2017 for proper/ further/ fair investigation of the case, which has been mentioned in para 1 of the said writ petition. Because of the identical prayers made by the petitioner in this writ petition and in CrMP no. 1990 of 2021, learned senior counsel for the petitioner on 28.02.2025, prayed for time to intimate the court as to whether the petitioner will withdraw either of the two petitions but during the scrutiny of the records, it transpired that because of the printing error, erroneous prayer has been mentioned in page 65 and page no. 66 of this writ petition, hence, it is submitted that unless the prayer as prayed for in this interlocutory application is allowed to amend the prayer made in this writ petition, the petitioner will be highly prejudiced.
2. Learned counsel for the State submits that he has no objection to the prayer of amendment made by the petitioner in this I.A.
3. Mr. Mahesh Tewari, the respondent no. 7, appearing in person,, submits that the prayer as made in para 1 of this writ petition, has become infructuous as because respondent no. 7 of this great petition; as the petitioner filed W.P.(Cr.) No. 429 of 2018

for his grievance that the investigation of the case has not been completed even after expiry of two years of the disposal of the said writ petition and in this respect, the respondent no. 7 in person, draws attention of the court to page Annexure 7/A at page 56-57 of the Counter Affidavit, filed by the respondent no. 7.

4. Perusal of the record reveals that the said Annexure 7/A is an order passed in respect of the some case, the number of which, has not been mentioned in the said order. Be that as it may, the said W.P. (Cr.) no. 429 of 2018 was disposed of upon the Deputy Superintendent of the Police, Hatia, Ranchi who was the supervising officer, in that case, submitted before the court that the investigation will be concluded within two months.
5. Having heard the submissions made at the bar and after going through the materials in the record, as already indicated above, the prayer which, the petitioner intends to make in this writ petition, is to immediately transfer the case records of Jagarnathpur P.S. case no. 314 of 2017 corresponding to G.R. case no. 4984 of 2017 for proper/ further / fair investigation of the case, to any independent agency like the CBI. Therefore, this Court is of the considered view that assuming for the sake of argument that W.P.(Cr.) no. 429 of 2018 was passed in connection with Jagarnathpur P.S. case no. 314 of 2017 still by the order dated 27.09.2019 passed in WP (Cr.). no. 429 of 2018, the prayer sought to be made in this writ petition has not become infructuous.
10. In view of the printing error, admittedly made by the petitioner, this Court is of the considered view that this is a fit case, that the amendment of this writ petition, as proposed in this I.A. is to be allowed. Accordingly, the same is allowed. The petitioner is directed to file consolidated criminal miscellaneous petition incorporating the amendment allowed by this court, within two weeks, failing which, this criminal miscellaneous petition shall stand dismissed without further reference to the Bench.
11. This interlocutory application is disposed of accordingly.

(ANIL KUMAR CHOUDHARY, J.)

CrMP No. 2179 of 2021

1. The opp. party no. 5 appearing in person, submits that the prayer has become infructuous.
2. At this, the learned senior counsel for the petitioner submits that the petitioner prays for two weeks' time to file interlocutory application for amendment of the criminal miscellaneous petition.
3. The prayer is allowed.
4. List after 2 weeks.

(ANIL KUMAR CHOUDHARY, J.)

CrMP No. 1990 of 2021 with W.P. (Cr.) No. 358 of 2019 with W.P. (Cr.) No. 268 of 2021 with CrMP No. 2179 of 2021 and with CrMP No. 2353 of 2021

In view of the orders passed in the above cases, list all these cases after two weeks.

The interim order, if any, passed earlier shall continue till next date of listing of these cases.

(ANIL KUMAR CHOUDHARY, J.)

Smita/-