

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No.4659 of 2022

1. Shyam Lal Mandal, aged about 92 years, son of Late Jhalu Mandal;

2. Raghunath Mandal, aged about 80 years, son of Late Jhalu Mandal;

Both resident of Village-Bedia, P.O. Purana Dumka, P.S.-Dumka (M), Dist.-Dumka (Jharkhand)

... Petitioners

Versus

1. The State of Jharkhand

2. Girdhari Mandal;

3. Manoj Mandal;

4. Kamdeo Mandal;

All sons of Sri Bishwadhar Mandal

5. Amli Devi, wife of Bishwadhar Mandal;

6. Bishwadhar Mandal, son of Late Munshi Mandal;

All resident of Village- Bedia, P.O.-Purana Dumka, P.S.-Dumka (M), Dist.-Dumka (Jharkhand) ... Opposite Parties

For the Petitioner :Mr. Rajeeva Sharma, Sr. Advocate
Mr. Om Prakash., Advocate

For the State : Mrs. Nehala Sharmin, Spl.P.P.

For the O.P. No.2 : Mr. Indu Shekhar Gupta, Advocate

P R E S E N T

HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

By the Court:- Heard the parties.

2. This Criminal Miscellaneous Petition has been filed invoking the jurisdiction of this Court under Section 482 of the Code of Criminal Procedure, with the prayer to quash the judgment dated 11.03.2022 passed by learned

Additional Sessions Judge-II, Dumka in Criminal Revision No.31 of 2015 whereby and whereunder the learned Additional Sessions Judge-II, Dumka noting that the order dated 08.05.2015 passed by the S.D.M., Dumka in Cr. Misc. Case No.209 of 2015 under Section 144 Cr.P.C died its natural death on 11.03.2022, when the impugned order was passed, and is no more binding upon the parties; but even though the same was not binding upon the parties, learned Additional Sessions Judge-II, Dumka went on to set aside the same being infructuous.

3. Learned Senior counsel for the petitioners submits that instead of setting aside the said order dated 08.05.2015 which was indisputably no more in force, learned Additional Sessions-II, Dumka committed a grave illegality by, instead of disposing of the Criminal Revision as infructuous, by setting aside the same; hence to the aforesaid extent the impugned order be modified.

4. Learned Spl.P.P. appearing for the State and learned counsel for the O.P. No.2 have no objection.

5. Having heard the rival submissions made at the Bar and after carefully going through the materials available in the record, it is pertinent to mention here that since in the order impugned before the learned Additional Sessions Judge-II, Dumka, it has categorically been mentioned by the learned judge that the order impugned before it, was no more in force having elapsed the maximum time period for which the law mandates that such order shall remain valid, it was expected from the learned Additional Sessions Judge that the learned Additional Sessions Judge ought to have disposed of the Criminal Revision being infructuous, instead of setting aside the order, which was no more in force.

6. Accordingly, order dated 11.03.2022 passed by learned Additional Sessions Judge-II, Dumka, in Criminal Revision No.31 of 2015 is modified by substituting words 'set aside' appearing in the second line of internal last page no.5 of the impugned judgment with 'disposed off' and deleting the last sentence i.e. the third line of the said judgment, wherein it has been mentioned that "The Cr. Revision Petition is disposed of as allowed".
7. The instant Criminal Miscellaneous Petition allow to the aforesaid extent only.

(Anil Kumar Choudhary, J.)

High Court of Jharkhand, Ranchi
Dated the 18th of September, 2025
AFR/ Rohit