

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).11622/2005.

(From the judgement and order dated 20/12/2004 in LPA No.270/2004
of The HIGH COURT OF JHARKHAND AT RANCHI)

STATE OF JHARKHAND & ORS.

Petitioner(s)

VERSUS

SITA RAM KUMHAR

Respondent(s)

[With appln(s) for c/delay in refiling SLP; directions and
with prayer for interim relief]

(For final disposal)

Date: 25/08/2006 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.B. SINHA

HON'BLE MR. JUSTICE DALVEER BHANDARI

For Petitioner(s) Mr. Gopal Prasad, Adv.

For Respondent(s) Ms. Varuna Bhandari Gugnani, Adv.

Mr. Anoop Kumar, Adv.

Mr. Rakesh Khare, Adv.

Mr. A.K. Jha, Adv.

Mr. Rameshwar Prasad Goyal, Adv.

UPON hearing counsel the Court made the following

O R D E R

Delay condoned.

Leave granted.

The civil appeal is disposed of in terms of the signed order.

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ter	Court Master	Court Mas

[Signed Order is placed on the file]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.3912 OF 2006

[Arising out of S.L.P.(C) No.11622 of 2005]

State of Jharkhand & Ors.Appellants

Versus

Sita Ram KumharRespondent

O R D E R

Delay condoned.

Leave granted.

We have heard learned counsel for the parties at some length. We have also

perused the documents produced before us. In view of the order propose
d to be

passed by us, we do not intend to make any observations on the merit of the matter.

We, however, feel that despite the fact that there was delay on the part of the
State

Government in filing the appeal before the Division Bench of the High Court, the

matter should be heard on its own merit after condoning the delay. The same shall, however, be subject to payment of a sum of Rs.5,000/- (Rupees five thousand only) by way of cost of litigation to the respondent. It would be open to the appellants herein to file additional documents before the Division Bench and the same shall be taken into consideration.

Our attention has also been drawn to the fact that despite final form filed by the police in the criminal case initiated against the respondent herein, the State has filed a Protest Petition. We direct SDJM, Ghatshila to dispose of the said application on its own merit without in any way being influenced by the judgment of the learned Single Judge of the High Court.

We, however, hope and trust that the Division Bench of the High Court, in view of the fact that allegedly the respondent is to retire in February 2007, would take up the matter for hearing and dispose of the same in accordance with law as expeditiously as possible preferably within a period of two months and not later than two months from the date of communication of this order. Mr. Gopal Prasad, learned counsel appearing for the appellants assures us that all additional documents supported by an affidavit shall be filed before the Division Bench of the High Court within three weeks. Response thereto, if any, will be filed within two weeks thereafter.

The appeal is disposed of accordingly.

Sd/-

.....J.

[S.B. SINHA]

Sd/-

.....J.

[DALVEER BHANDARI]

New Delhi.

August 25, 2006.