

ITEM NO.2

COURT NO.2

SECTION IIA

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

CRL.M.P. NO.2412 OF 2012 IN
Petition(s) for Special Leave to Appeal (Crl) No(s).8116/2008

(From the judgement and order dated 12/08/2008 in CRMP No.833/2008
of The HIGH COURT OF JHARKHAND AT RANCHI)

KANHAIYA PRASAD SINGH Petitioner(s)

VERSUS

STATE OF JHARKHAND & ORS. Respondent(s)

(With appln(s) for clarification of Court's order and office report)

Date: 13/02/2012 This Petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ALTAMAS KABIR
HON'BLE MR. JUSTICE SURINDER SINGH NIJJAR

For Petitioner(s) Mr. Gaurav Agrawal, AOR
Mr. Siddharth Gupta, Adv.
Mr. Shankar Narayanan, Adv.

For Respondent(s) Mr. Ratan Kumar Choudhuri, AOR
Mr. Brahmajeet Mishra, Adv.
Mr. N.N. Singh, Adv.

For R-3 Mr. Jayesh Gaurav, Adv.
Mr. T. Mahipal, AOR

UPON hearing counsel the Court made the following
O R D E R

This criminal miscellaneous petition has been filed
on behalf of the respondent No.3, in S.L.P. (Crl.) No.8116
of 2009, which had been disposed of by this Court on
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22nd January, 2010. The said Special Leave Petition was
directed against the order passed by the High Court
on 12th August, 2008, affirming the order of the lea-
rned Sessions Judge, Seraikella, Jharkhand, in Sessions
Trial No.53 of 2008, rejecting the prayer of the special leave
petitioner to keep the trial in abeyance on the ground that
the C.I.D. had taken over the investigation of the case.

Having considered the submissions, which had
been made at that time on behalf of the petitioner and,

in particular, having regard to a letter which had been produced by the learned senior counsel appearing for the petitioner, the Special Leave Petition had been disposed of with a direction upon the Superintendent of Police (C) CID, Jharkhand, Ranchi, to ensure that the report of further investigation regarding the petitioner, as well as the other co-accused, was submitted to the learned Sessions Judge within eight weeks from date. The stay of further proceedings in the trial, which had been granted in the Special Leave Petition, was to continue till then.

This application has been filed by the respondent No.3 for a clarification of our said order, although, we do not see that any clarification is required having regard to the specific directions which we had given therein.

According to Mr. Gaurav Agrawal, learned counsel appearing for the petitioner in the Special Leave Petition, the supplementary Charge-sheet has not been filed and since the same has not been filed, the learned Sessions Judge ought to have given directions to the investigating authorities of the C.I.D., to file the same within a specified time.

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We are unable to accept Mr. Agarwal's submissions as more than two years have passed since we passed our order of 22nd January, 2010. Furthermore, a copy of the order-sheet of Sessions Trial No.53 of 2008, has been annexed to the application for clarification, wherefrom it appears that on 10th May, 2011, a letter had been addressed to the Court by the Superintendent, C.I.D., Jharkhand, Ranchi, indicating that the investigation report, which had been submitted by the Investigating Officer, was also to be considered as the Final Investigation Report.

Even if we accept Mr. Agarwal's submission that the learned Sessions Judge did not commit any error in proceeding with the trial, even then, no attempt was made by the investigating authorities to apply for extension of time which we had indicated in our order dated 22 nd January, 2010, for filing of the supplementary Charge-sheet. If there was any intention to file such supplementary Charge-sheet, two years' time, in our view, was sufficient for the said purpose.

Accordingly, we dispose of Crl.M.P. No.2412 of 2012, filed for clarification of the order dated 22nd January, 2010, by indicating that the Trial Court is free to proceed with the trial, in accordance with law.

(Chetan Kumar)
Court Master

(Juginder Kaur)
Assistant Registrar