

(2011) 12 JH CK 0003
In the Jharkhand High Court
Case No : Writ Petition (Cr.) No. 468 of 2010

Banka Ram

APPELLANT

Vs

The State of Jharkhand and Another

RESPONDENT

Date of Decision : 20-12-2011

Acts Referred:

Penal Code, 1860 (IPC) — Section 120B, 403, 408, 409, 421

Citation : (2011) 12 JH CK 0003

Hon'ble Judges : P.P. Bhatt, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

P.P. Bhatt

1. Issue notice to the Respondent No. 2 both by Registered Post as well as by ordinary process for which requisites etc. must be filed by 23rd December, 2011.
2. Rule is made returnable by 17th January, 2012. Heard the Learned Counsel for the petitioner and Learned Counsel for the State.
3. Perused the papers.
4. The present petition is filed against the Respondents for quashing of the first information report, registered as Kuru P.S. Case No. 83 of 2010, corresponding to G.R. Case No. 525 of 2010 under Sections 120B, 403, 408, 409, 421, 466 and 477A of the Indian Penal Code and also for quashing the prosecution and proceedings arising out of the same against the petitioner pending before the learned Chief Judicial Magistrate, Lohardaga.
5. Learned Counsel for the petitioner submitted that petitioner is a Government servant and at the relevant time, he was working as B.D.O. and now working as S.D.O. It is also submitted that the present petitioner has been falsely implicated in the alleged offences. It is further submitted that prima facie, no ingredients of the alleged offences are satisfied qua the present petitioner. Learned Counsel

also submitted that one N.G.O., namely, "Seva Mitra", Kuru, District-Lohardaga, which is also accused in the present case, through its chairman Ashok Raj, moved a Criminal Miscellaneous Petition before this Court vide Cr. M.P. No. 1858 of 2011 and after preliminary hearing of the said case, this Court, by order dated 19.12.2011, is pleased to grant ad interim relief to the effect that no coercive steps be taken against him. It is further submitted that the case of the present petitioner stands on better footing than the petitioner of that case and therefore, the present petitioner may be protected by way of ad interim relief.

6. Learned Counsel for the State has requested that some time may be granted so as to enable him to take instructions in the matter and file counter affidavit on behalf of the Respondent No. 1.

7. Time, as prayed for, is granted to the counsel for the State.

8. Put up this case on 17th January, 2012.

9. However, having regard to the facts and circumstances of the case, narrated hereinabove, ad interim relief is granted in favour of the petitioner to the effect that till the next date of hearing, no coercive steps be taken against the petitioner in connection with Kuru P.S. Case No. 83 of 2010, corresponding to G.R. Case No. 525 of 2010, pending before the learned Chief Judicial Magistrate, Lohardaga.