
(2021) 03 JH CK 0174

In the Jharkhand High Court

Case No : Writ Petition (Criminal) No. 97 Of 2020, Criminal M.P. No. 1793 Of 2017

Josmuddin Sk And Ors

APPELLANT

Vs

State Of Jharkhand And Ors

RESPONDENT

Date of Decision : 26-03-2021

Acts Referred:

Citation : (2021) 03 JH CK 0174

Hon'ble Judges : Sanjay Kumar Dwivedi, J

Bench : Single Bench

Advocate : Kanti Kumar Ojha, R.S. Mazumdar, Pinky Tiwary

Judgement

Heard Mr. Kanti Kumar Ojha, learned counsel for the petitioner and Mr. R.S. Mazumdar, learned senior counsel for the petitioners and Ms. Pinky Tiwary, learned counsel for the respondent-State.

This writ petition (criminal) and criminal miscellaneous petition have been heard through Video Conferencing in view of the guidelines of the High Court taking into account the situation arising due to COVID-19 pandemic.

On 03.03.2021, at the request of learned counsel for the respondent- State, the matter was adjourned. Today, when the matter is taken up, again adjournment has been sought on behalf of respondent-State.

Mr. Kanti Kumar Ojha, learned counsel appearing for the petitioner submits that so far de novo trial is concerned that will govern in the light of the order of Hon'ble Supreme Court in the case Satyajit Banerjee & Others Versus State of West Bengal & Others reported in (2005) 1 SCC 115. He submits that in the Court below date for framing of charge is fixed on 1st April, 2021.

In view of prayer made by learned counsel for the petitioner and learned counsel for the respondent-State and considering that 1st April, 2021 is fixed for framing of charge, further proceeding in connection with S.T. No.81 of 2016 pending in the Court of Principal District & Sessions Judge, Pakur shall remain stayed till the

next date of listing.

Post this matter on 4th May, 2021.