

(2011) 03 JH CK 0220

In the Jharkhand High Court

Case No : Criminal M.P. No. 459 of 2011

Karan Kant Dave and Others

APPELLANT

Vs

The State of Jharkhand and Others

RESPONDENT

Date of Decision : 28-03-2011

Acts Referred:

Explosives Act, 1884 — Section 9
Penal Code, 1860 (IPC) — Section 304, 34

Citation : (2011) 03 JH CK 0220

Hon'ble Judges : D.K. Sinha, J

Bench : Single Bench

Judgement

D.K. Sinha, J.—Mr. Ananda Sen, the learned Counsel appearing for the Petitioners at the out set submitted that two police cases were instituted for same occurrence. It was alleged that when the Explosive Van of the Petitioners' Company i.e. the Hindalco Industries Ltd was carrying explosives under licence to be used in the mining work exploded during transit, the driver and the cleaner travelling in the Explosives van succumbed their injuries to which on the statement of the Chowkidhar, Ghagra P.S. Case No. 24 of 2011 was instituted against the driver of the Explosive van bearing registration No. BR4G-0040. For the same occurrence another case was instituted on the Fardbeyan of one Somari Devi who was the widow of the deceased Manglu Lohra cleaner of the said van for the offence alleged under Sections 304/34 of the Indian Penal Code as also u/s 9(b) of the Explosive Act on 15.3.2011 against the Petitioners after about a week of the institution of the earlier police case. Mr. Sen further submitted that subsequent F.I.R was not maintainable in view of the decision of the Apex Court reported in Pandurang Chandrakant Mhatre and Others Vs. State of Maharashtra, .

2. The learned A.P.P seeks three weeks time for filing counter affidavit in view of the decision referred to herein before. Prayer is allowed.

3. Put up this case on 18.4.2011 under the said heading.

4. In the meantime, there shall be stay of further proceeding of Ghagra P.S. Case No. 25 of 2011 corresponding to G.R. No. 240 of 2011 pending in the court of CJM Gumla against the Petitioners till next date.