
(2004) 05 JH CK 0073

In the Jharkhand High Court

Case No : Writ Petition (Cri.) No. 181 of 2003

Puneshwar Prasad Singh

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 14-05-2004

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 83

Citation : (2004) 2 JCJR 96 : (2004) CriLJ 4493 : (2004) AIR Jhar HCR 2543 : (2004) 3 EastCriC 93 : (2005) 1 RCR(Criminal) 610

Hon'ble Judges : Lakshman Uraon, J

Bench : Single Bench

Advocate : Ananda Sen and Amaresh Kr. Sao, for the Appellant; P.N. Mishra, J.C. to G.P. I, for the Respondent

Final Decision : Allowed

Judgement

Lakshman Uraon, J.—Heard learned counsel for the parties.

2. Petitioner Puneshwar Prasad Singh has filed this Criminal Writ Petition with a prayer to direct the respondents not to harass him in connection with Bistupur P.S. Case No. 232 of 1998 (G.R. No. 1794 of 1998), registered against his son and others for the offences under Sections 302/120B of the Indian Penal Code and Section 27 of the Arms Act.

3. Learned counsel for the petitioner submits that he has nothing to do with his son, who is out of his control. He has also sworn an affidavit prior to institution of this case against his son that this petitioner has left his son and has no connection whatsoever with his son. It is further submitted that as Ranjit Singh alias Ranjit Choudhary, son of this petitioner, is absconding in the said case, processes etc. under Sections 82, 83, Cr.P.C. have been proclaimed and the properties of this petitioner have already been attached.

4. Mr. P.N. Mishra, learned J. C. to G.P.I, submits that Ranjit Singh alias Ranjit Choudhary, son of this petitioner (Puneshwar Prasad Singh), who is accused in

other cases also, has been made accused in this case, registered u/s 320/120B of the Indian Penal Code, who used to reside in the flat of his father (the present petitioner). The police in discharge of his duties conducted raid in the house of this petitioner and on enquiry came to conclusion that his son resides in the flat, belonging to this petitioner. In that view of the matter, the property has been attached as per the list, contained in Annexure A to the counter affidavit.

5. Admittedly this petitioner is the father of Ranjit Choudhary alias Ranjit Singh and he has no concern with his son and virtually he has left all the connections with his son, who is out of his control. The petitioner is neither accused nor wanted in any other case. The property so attached, belongs to this petitioner and not to his son, although in the attachment sheet the name of Ranjit Singh alias Ranjit Choudhary son of this petitioner has been mentioned.

6. Although Ranjit Singh alias Ranjit Choudhary is out of control of his father (the present petitioner), the counter-affidavit shows that Ranjit Singh alias Ranjit Choudhary resides, in the flat, belonging to his father.

7. In that view of the matter, the respondents should first ascertain the fact as to whether the property belongs to this petitioner or to the accused Ranjit Singh alias Ranjit Choudhary and then to take steps in accordance with law for proclamation and attachment. So far the property of this petitioner who is aged about 70 years, is concerned, after proper verification the same is ordered to be released in his favour, as he is not an accused.

8. Viewed this, this Criminal Writ Petition is allowed and the respondents are directed to release the property, as detailed in Annexure A to the counter - affidavit, belonging to this petitioner, in his favour, after proper verification. It is directed that only the properties, belonging to Ranjit Singh Ranjit Choudhary, be attached for his appearance.