

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No(s). 9859/2023

(Arising out of impugned final judgment and order dated 19-05-2023 in CRMP No. 325/2017 passed by the High Court of Jharkhand at Ranchi)

SATISH KUMAR RAVI

Petitioner(s)

VERSUS

THE STATE OF JHARKHAND

Respondent(s)

(IA No. 158964/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 236772/2023 - EXEMPTION FROM FILING O.T. AND IA No. 158963/2023 - EXEMPTION FROM FILING O.T.)

Date : 01-10-2024 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA

HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

For Petitioner(s) Mr. M Shoeb Alam, Sr. Adv.
Mr. Ujjwal Singh, AOR
Mr. Mojahid Karim Khan, Adv.
Mr. Shadab Eqbal, Adv.
Mrs. Atefa Parwez, Adv.
Mr. Abhishek Naik, Adv.
Ms. Gulafsha Qureshi, Adv.

For Respondent(s) Ms. Madhusmita Bora, AOR
Mr. Vishnu Sharma, Adv.
Mr. Pawan Kishore Singh, Adv.
Mr. Dipankar Singh, Adv.
Ms. Pavithra V., Adv.
Mrs. Anupama Sharma, Adv.

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

1. On 18th August, 2023, this Court passed the following order:

"I.A. No.162758 of 2023 has been filed by the learned counsel for the petitioner for deletion of respondent no.2 from the array of the parties as he is no more.

In view of the prayer made in the aforesaid I.A.,

respondent no.2 is deleted from the array of the parties, at the risk of the petitioner. I.A. No.162758 of 2023 stands allowed. Cause title be amended accordingly.

Issue notice to respondent no.1, returnable on 13th October, 2023.

Liberty is granted to serve the Standing Counsel for the respondent-State, in addition.

In the meanwhile, no further action shall be taken against the petitioner in connection with First Information Report(FIR)/Case No. 235 of 2014 dated 19.09.2014 registered at Police Station - Lower Bazar, District - Ranchi, Jharkhand corresponding to G.R. No.5347 of 2014, pending in the Court of Judicial Magistrate, Ranchi."

The above order was not of a limited duration.

2. There is a counter affidavit filed on behalf of the first respondent (State of Jharkhand) which is affirmed by Shri Deepak Kumar, Deputy Superintendent of Police, City Ranchi, Jharkhand. The said affidavit brings on record a very brazen act on the part of the Police Department of the State of Jharkhand.

3. On 30th September, 2023, a charge-sheet was filed against the petitioner which was signed by Shri Dayanand Kumar, Station House Officer and Shri Tarkeshwar Prasad Kesari, Investigating Officer. Shockingly, the charge-sheet refers to the interim order passed by this Court. An officer of the level of the Deputy Superintendent of Police has filed the counter affidavit claiming that the charge-sheet has been filed on 30th September, 2023. Filing of the charge-sheet and justifying the filing of the charge-sheet is *prima facie*, a wilful breach of the interim order dated 18th August, 2023 passed by this Court. The matter does not rest here.

4. On 4th April 2017, an interim order was passed by the High Court of Jharkhand in Cr.M.P. No.325/2017 in which the impugned order has been passed. By the said interim order, the High Court directed the State not take coercive steps against the petitioner

in connection with the FIR subject matter of this Special Leave Petition. That order continued to operate till the date of passing of the impugned order i.e., 19th May, 2023. The counter affidavit filed by the Deputy Superintendent of Police records that two notices/advertisements against the petitioner were published in the daily newspapers on 28th April, 2023 and 11th July, 2023 respectively. This action was taken pursuant to an order dated 10th April, 2023 of the Trial Court. Even this act is *prima facie* contemptuous. We may add here that the husband of the complainant was an IPS officer at the relevant time.

5. Issue notice of contempt to Shri Deepak Kumar, Deputy Superintendent of Police, City Ranchi, Jharkhand, Shri Dayanand Kumar, Station House Officer, who was at the relevant time attached to the Lower Bazaar Police Station, Ranchi, Jharkhand and Shri Tarkeshwar Prasad Kesari, Investigating Officer, who was also at the relevant time attached to the Lower Bazaar Police Station, Ranchi, Jharkhand. The notice is made returnable on 4th November, 2024. The notice shall be forwarded to the Office of the Superintendent of Police, City Ranchi, Jharkhand, for effecting service.

6. The above-mentioned three Officers shall remain present before this Court on the next date, either personally or through video conference.

(ASHISH KONDLE)
COURT MASTER (SH)

(AVGV RAMU)
COURT MASTER (NSH)