IN THE HIGH COURT OF JHARKHAND, RANCHI

Writ Petition (Cr.) No.538 of 2024

Arup Chatterjee, aged about 49 years, son of Anup Chatterjee, resident of Madhbul Habitat, 3rd Floor, B. Block, 303, Chandni Chowk, Kanke Road, P.O. and PS Gonda and District Ranchi .... Petitioner

-- Versus --

1.The State of Jharkhand, through its Chief Secretary, Government of Jharkhand, Project Building, P.O, P.S. Dhurwa, District Ranchi

2.The Home Secretary, Government of Jharkhand, Project Building, P.O., PS Dhurwa and District Ranchi

3.The Secretary, Department of Mines and Geology, Government of Jharkhand, Nepal House, PO, PS Doranda, District Ranchi

4.The Director, Central Bureau of Investigation, Plot No.5B, 10th Floor, B Wing, Jawaharlal Nehru Stadium Marg, CGO Complex, Lodhi Road, New Delhi PO and PS Lodhi Road, District New Delhi 110003

5.The Director, Enforcement Directorate, 6th Floor, Lok Nayak Bhawan, PO and PS Khan Market, District New Delhi, Delhi 110003

6.Principal Director, Directorate General of Goods and Services Tax Intelligence (DGGI), officiating at 1st and 2nd Floor, Wing Number 06, West Block, 08, P.O. and P.S. R.K. Puram, District New Delhi, Delhi 110006

7.The Director General of Police, Police Headquarters, DPRD Building, HEC Dhurwa, PO and PS Dhurwa and District Ranchi

8.Station Head Officer, Dhanbad Police Station, P.O. and P.S Dhanbad, Jharkhand .... Opposite Parties

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PRESENT

HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For Petitioner :- Mr. Indrajit Sinha, Advocate

For Respondent State :- Mr. Kapil Sibbal, Senior Advocate [Through V.C.]

Mr. Manoj Kumar, Advocate

Mr. Deepankar Roy, Advocate

[Present in the Court Room]

For Enforcement Directorate:- Mr. A.K.Das, Advocate

Mr. Saurav Kumar, Advocate

C.A.V. On 24/09/2024 **Pronounced On 03/10/2024**

Heard Mr. Injdrajit Sinha, the learned counsel appearing on behalf of the petitioner, Mr. Kapil Sibbal, the learned Senior counsel appearing through Video Conferencing along with Mr. Manoj Kumar,

the learned counsel as well as Mr. Deepankar Roy, the learned counsel, present in the Court Room appearing on behalf of the respondent-State as well as Mr. A.K. Das, the learned counsel assisted by Mr. Saurav Kumar, the learned vice counsel appearing on behalf of the respondent Enforcement Directorate [E.D.].

2. The prayer in the writ petition is made to show cause upon the respondents as to how and under what circumstances on-line complaint lodged by the petitioner on 11.05.2024 at 10.00 a.m. as contained in Annexure-1 has not been registered till date and the investigation has not been started and upon seeking response from the respondents to register the FIR under the relevant provisions of law and to go ahead with the prosecuting against the persons who are involved in the commission of the alleged offence as narrated in the Annexure-1 submitted by the petitioner on-line for registration of the F.I.R on 11.05.2024 at 10.04 a.m. which has not been registered by the State police till date due to the reasons best known and in complete breach of the law laid down by the Hon'ble Supreme Court of India in the case of ***Lalita Kumari v. State of U.P. and Others, (2014) 2 SCC 1*** and in the case of ***State of Telangana v. Mangipet @ Managipet Sarveshwar Reddy, (2019) 19 SCC 87*** and further prayer has been made for direction upon the respondent nos.4 and 5, who are C.B.I. and Directorate of Enforcement [E.D] respectively to institute an F.I.R on the basis of the complaint of the petitioner submitted through e.mail on 12.05.2024 at 11.26 a.m. to the respondent nos.4 and 5 as contained at Annexure-2 considering the fact that the State police on its disbelieve by its act of not registering the F.I.R and starting the investigation which has already shown favour being advanced towards

the accused named in the written complaint who are the senior officials of the police department and there is no likelihood of impartial investigation by the State in view of involvement of such senior officials of the police department who have been in nexus with their political highers of the State.

3. Mr. Kapil Sibbal, the learned Senior counsel appearing through the Video Conferencing on behalf of the respondent State made a preliminary objection with regard to maintainability of the writ petition under Article 226 of the Constitution of India and by way of pressing the I.A. No.9800 of 2024 submitted that writ petition is not maintainable. He submitted that the petitioner is an accused in 24 cases as disclosed in paragraph no.5 of the said I.A. and further cases are disclosed in paragraph no.8 of the said I.A. He submitted that the petitioner is an accused himself in view of that he has got no locus-standi to file the writ petition to register the F.I.R. He submitted that if the petitioner is aggrieved, he is required to move before the learned court by way of filing the complaint. He relied in the case of ***Sakiri Vasu v. State of Uttar Pradesh and Others, (2008) 2 SCC 409*** and he refers to paragraph nos.11, 12, 25 and 26 of the said judgment, which are quoted hereinbelow:

> *"**11.** In this connection we would like to state that if a person has a grievance that the police station is not registering his FIR under Section 154 CrPC, then he can approach the Superintendent of Police under Section 154(3) CrPC by an application in writing. Even if that does not yield any satisfactory result in the sense that either the FIR is still not registered, or that even after registering it no proper investigation is held, it is open to the aggrieved person to file an application under Section 156(3) CrPC before the learned Magistrate concerned. If such an application under Section 156(3) is filed before the Magistrate, the Magistrate can direct the FIR to be registered and also can direct a*

proper investigation to be made, in a case where, according to the aggrieved person, no proper investigation was made. The Magistrate can also under the same provision monitor the investigation to ensure a proper investigation.

12. *Thus in Mohd. Yousuf v. Afaq Jahan [(2006) 1 SCC 627 : (2006) 1 SCC (Cri) 460 : JT (2006) 1 SC 10] this Court observed: (SCC p. 631, para 11)*

"11. The clear position therefore is that any Judicial Magistrate, before taking cognizance of the offence, can order investigation under Section 156(3) of the Code. If he does so, he is not to examine the complainant on oath because he was not taking cognizance of any offence therein. For the purpose of enabling the police to start investigation it is open to the Magistrate to direct the police to register an FIR. There is nothing illegal in doing so. After all registration of an FIR involves only the process of entering the substance of the information relating to the commission of the cognizable offence in a book kept by the officer in charge of the police station as indicated in Section 154 of the Code. Even if a Magistrate does not say in so many words while directing investigation under Section 156(3) of the Code that an FIR should be registered, it is the duty of the officer in charge of the police station to register the FIR regarding the cognizable offence disclosed by the complainant because that police officer could take further steps contemplated in Chapter XII of the Code only thereafter."

25. *We have elaborated on the above matter because we often find that when someone has a grievance that his FIR has not been registered at the police station and/or a proper investigation is not being done by the police, he rushes to the High Court to file a writ petition or a petition under Section 482 CrPC. We are of the opinion that the High Court should not encourage this practice and should ordinarily refuse to interfere in such matters and relegate the petitioner to his alternating remedy, first under Section 154(3) and Section 36 CrPC before the police officers concerned, and if that is of no avail, by approaching the Magistrate concerned under Section 156(3).*

26. *If a person has a grievance that his FIR has not been registered by the police station his first remedy is to approach the Superintendent of Police under Section 154(3) CrPC or other police officer referred to in Section 36 CrPC. If despite approaching the Superintendent of Police or the officer referred to in Section 36 his grievance still persists, then he can approach a Magistrate under Section 156(3) CrPC instead of rushing to the High Court by way of*

a writ petition or a petition under Section 482 CrPC. Moreover, he has a further remedy of filing a criminal complaint under Section 200 CrPC. Why then should writ petitions or Section 482 petitions be entertained when there are so many alternative remedies?"

4. Placing the above judgment, he submitted that the writ petition is not maintainable. He further submitted that there is no materials disclosed in the petition so that the F.I.R cannot be registered. On these grounds, he submitted that this writ petition is not maintainable.

5. In reply to that, Mr. Indrajit Sinha, the learned counsel appearing on behalf of the petitioner submitted that the writ petition is maintainable in view of the fact that in light of the allegations made in Annexure-1 which is an on-line complaint, there are serious allegation of corruption and malpractices in the district of Dhanbad with regard to transportation of coal and purchase of coal and if such allegations are there, the police is bound to register the F.I.R. even after making a preliminary enquiry, however, the FIR is not registered and it is being opposed which clearly suggest that the State is bent upon not to register the F.I.R. He submitted that in view of the case rendered in ***Lalita Kumari v. State of U.P. and Others[supra]*** if a cognizable case is made out, it is required to be registered forthwith, however, it has not been registered and the complaint has already been made on-line. He submitted that locus-standi is not a ground not to register the F.I.R as in a criminal case there is no concept of locus-standi. He relied in the case of ***Ratan Lal v. Prahlad Jat and Others, (2017) 9 SCC 340,*** and he refers to paragraph nos.7 to 9 of the said judgment, which are quoted hereinbelow:

"7. Having regard to the contentions urged, the first question for consideration is whether the appellant has locus

standi to challenge the order of the High Court.

8. In Black's Law Dictionary, the meaning assigned to the term 'locus standi' is 'the right to bring an action or to be heard in a given forum'. One of the meanings assigned to the term 'locus standi' in Law Lexicon of Sri P.Ramanatha Aiyar, is 'a right of appearance in a Court of justice'. The traditional view of locus standi has been that the person who is aggrieved or affected has the standing before the court, that is to say, he only has a right to move the court for seeking justice. The orthodox rule of interpretation regarding the locus standi of a person to reach the Court has undergone a sea change with the development of constitutional law in India and the Constitutional Courts have been adopting a liberal approach in dealing with the cases or dislodging the claim of a litigant merely on hyper-technical grounds. It is now well-settled that if the person is found to be not merely a stranger to the case, he cannot be non-suited on the ground of his not having locus standi.

9. However, criminal trial is conducted largely by following the procedure laid down in Cr.P.C. Locus standi of the complaint is a concept foreign to criminal jurisprudence. Anyone can set the criminal law in motion except where the statute enacting or creating an offence indicates to the contrary. This general principle is founded on a policy that an offence, that is an act or omission made punishable by any law for the time being in force, is not merely an offence committed in relation to the person who suffers harm but is also an offence against the society. Therefore, in respect of such offences which are treated against the society, it becomes the duty of the State to punish the offender. In A.R. Antulay v. Ramdas Sriniwas Nayak & Anr. (1984) 2 SCC 500, a Constitution Bench of this Court has considered this aspect as under:

> *"In other words, the principle that anyone can set or put the criminal law in motion remains intact unless contra-indicated by a statutory provision. This general principle of nearly universal application is founded on a policy that an offence i.e. an act or omission made punishable by any law for the time being in force [See Section 2(n) CrPC] is not merely an offence committed in relation to the person who suffers harm but is also an offence against society. The society for its orderly and peaceful development is interested in the punishment of the offender. Therefore, prosecution for serious offences is undertaken in the name of the State representing the people which would*

exclude any element of private vendetta or vengeance. If such is the public policy underlying penal statutes, who brings an act or omission made punishable by law to the notice of the authority competent to deal with it, is immaterial and irrelevant unless the statute indicates to the contrary. Punishment of the offender in the interest of the society being one of the objects behind penal statutes enacted for larger good of the society, right to initiate proceedings cannot be whittled down, circumscribed or fettered by putting it into a strait-jacket formula of locus standi unknown to criminal jurisprudence, save and except specific statutory exception".

6. He further relied in the case of ***Dharambeer Kumar Singh v. State of Jharkhand and Others [In S.L.P. (Cr.) No.1500/2024 and S.L.P.(Cr.) No.1660/2024]*** and referred to paragraph no.18 of the said judgment which are quoted below:

18. At the cost of repetition, we state that admittedly respondents are the beneficiaries and merely because the appellant was an equal mischief player and/or a person having criminal antecedent at his credit by itself will not absolve respondents from the criminal liability as liability as alleged as against them. Least to say, ***"Two wrongs do not make a right".***

7. He further submitted that in the case of ***Sindhu Janak Nagargoje v. State of Maharashtra and Others [S.L.P (Crl) No.5883 of 2020]*** the F.I.R was not registered as the petitioner of that case has approached the High Court which was dismissed and that order was challenged before the Hon'ble Supreme Court and the Hon'ble Supreme Court in view of the case of ***Lalita Kumari v. State of U.P. and Others[supra]*** has directed to register the complaint and proceed further in accordance with law.

8. Placing the above judgment, he submitted that locus-standi of the complainant is a concept foreign to the criminal jurisprudence and in view of that, the objection of the learned Senior counsel is fit to be

rejected.

9. On merit, Mr. Indrajit Sinha, the learned counsel appearing on behalf of the petitioner submitted that there are serious allegations against the accused persons of misappropriating relating to illegal mining with connivance of others and as such, the writ petition is fit to be entertained. By way of drawing the attention of the Court to paragraph nos.13 and 14 of the I.A., he submitted that the State has stated that the police has got no statutory role in mining, transportation and in view of that, this is a fit case to transfer it to other agency. However, there are so many cases registered by the police in mining cases. He further submitted that there is no bar of registration of the F.I.R. arising out of the Mines and Minerals Act as well as the I.P.C as has been held by the Hon'ble Supreme Court in the case of ***Jayant & Others v. State of Madhya Pradesh*** with one analogous case, ***(2021) 2 SCC 670*** and he refers to paragraph nos.21 to 21.5, which are quoted hereinbelow:

> *"**21.** After giving our thoughtful consideration in the matter, in the light of the relevant provisions of the MMDR Act and the Rules made thereunder vis-à-vis the Code of Criminal Procedure and the Penal Code, and the law laid down by this Court in the cases referred to hereinabove and for the reasons stated hereinabove, our conclusions are as under:*
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> ***21.1.** That the learned Magistrate can in exercise of powers under Section 156(3) of the Code order/direct the In-charge/SHO of the police station concerned to lodge/register crime case/FIR even for the offences under the MMDR Act and the Rules made thereunder and at this stage the bar under Section 22 of the MMDR Act shall not be attracted.*
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> ***21.2.** The bar under Section 22 of the MMDR Act shall be attracted only when the learned Magistrate takes cognizance of the offences under the MMDR Act and the Rules made thereunder and orders issuance of process/summons for the offences under the MMDR Act and the Rules made thereunder.*

21.3. *For commission of the offence under IPC, on receipt of the police report, the Magistrate having jurisdiction can take cognizance of the said offence without awaiting the receipt of complaint that may be filed by the authorised officer for taking cognizance in respect of violation of various provisions of the MMDR Act and the Rules made thereunder.*

21.4. *That in respect of violation of various provisions of the MMDR Act and the Rules made thereunder, when a Magistrate passes an order under Section 156(3) of the Code and directs the In-charge/SHO of the police station concerned to register/lodge the crime case/FIR in respect of the violation of various provisions of the Act and the Rules made thereunder and thereafter after investigation the In-charge of the police station/investigating officer concerned submits a report, the same can be sent to the Magistrate concerned as well as to the authorised officer concerned as mentioned in Section 22 of the MMDR Act and thereafter the authorised officer concerned may file the complaint before the learned Magistrate along with the report submitted by the investigating officer concerned and thereafter it will be open for the learned Magistrate to take cognizance after following due procedure, issue process/summons in respect of the violations of the various provisions of the MMDR Act and the Rules made thereunder and at that stage it can be said that cognizance has been taken by the learned Magistrate.*

21.5. *In a case where the violator is permitted to compound the offences on payment of penalty as per sub-section (1) of Section 23-A, considering sub-section (2) of Section 23-A of the MMDR Act, there shall not be any proceedings or further proceedings against the offender in respect of the offences punishable under the MMDR Act or any Rules made thereunder so compounded. However, the bar under sub-section (2) of Section 23-A shall not affect any proceedings for the offences under IPC, such as, Sections 379 and 414 IPC and the same shall be proceeded with further."*

10. Relying on the above judgment, particularly, referring to the paragraph no.21.3, he submitted that once commission of offence under the IPC on receipt of police report is presented before the learned court, the learned court can take cognizance.

11. He further relied in the case of ***State (NCT of Delhi)***

v. Sanjay *and analogous cases,* ***(2014) 9 SCC 772*** and referred to paragraph nos.70, 71, 72 and 73 of the said judgment which are quoted below:

> "***70.*** *There cannot be any dispute with regard to restrictions imposed under the MMDR Act and remedy provided therein. In any case, where there is a mining activity by any person in contravention of the provisions of Section 4 and other sections of the Act, the officer empowered and authorised under the Act shall exercise all the powers including making a complaint before the Jurisdictional Magistrate. It is also not in dispute that the Magistrate shall in such cases take cognizance on the basis of the complaint filed before it by a duly authorised officer. In case of breach and violation of Section 4 and other provisions of the Act, the police officer cannot insist the Magistrate for taking cognizance under the Act on the basis of the record submitted by the police alleging contravention of the said Act. In other words, the prohibition contained in Section 22 of the Act against prosecution of a person except on a complaint made by the officer is attracted only when such person is sought to be prosecuted for contravention of Section 4 of the Act and not for any act or omission which constitutes an offence under the Penal Code.*
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> ***71.*** *However, there may be a situation where a person without any lease or licence or any authority enters into river and extracts sand, gravel and other minerals and remove or transport those minerals in a clandestine manner with an intent to remove dishonestly those minerals from the possession of the State, is liable to be punished for committing such offence under Sections 378 and 379 of the Penal Code.*
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> ***72.*** *From a close reading of the provisions of the MMDR Act and the offence defined under Section 378 IPC, it is manifest that the ingredients constituting the offence are different. The contravention of terms and conditions of mining lease or doing mining activity in violation of Section 4 of the Act is an offence punishable under Section 21 of the MMDR Act, whereas dishonestly removing sand, gravel and other minerals from the river, which is the property of the State, out of the State's possession without the consent, constitute an offence of theft. Hence, merely because initiation of proceeding for commission of an offence under the MMDR Act on the basis of complaint cannot and shall not debar the police from taking action against persons for*

committing theft of sand and minerals in the manner mentioned above by exercising power under the Code of Criminal Procedure and submit a report before the Magistrate for taking cognizance against such persons. In other words, in a case where there is a theft of sand and gravel from the government land, the police can register a case, investigate the same and submit a final report under Section 173 CrPC before a Magistrate having jurisdiction for the purpose of taking cognizance as provided in Section 190(1)(d) of the Code of Criminal Procedure.

73. *After giving our thoughtful consideration in the matter, in the light of the relevant provisions of the Act vis-à-vis the Code of Criminal Procedure and the Penal Code, we are of the definite opinion that the ingredients constituting the offence under the MMDR Act and the ingredients of dishonestly removing sand and gravel from the riverbeds without consent, which is the property of the State, is a distinct offence under IPC. Hence, for the commission of offence under Section 378 IPC, on receipt of the police report, the Magistrate having jurisdiction can take cognizance of the said offence without awaiting the receipt of complaint that may be filed by the authorised officer for taking cognizance in respect of violation of various provisions of the MMDR Act. Consequently, the contrary view taken by the different High Courts cannot be sustained in law and, therefore, overruled. Consequently, these criminal appeals are disposed of with a direction to the Magistrates concerned to proceed accordingly."*

12. Relying on the above judgment, he submitted that if illegal mining is done, the IPC sections are also made out and in view of that, the cases registered under the Mines and Minerals (Regulation and Development) (in short, MMDR) Act as well as the I.P.C can be inquired into and further relying on the above judgment, he submitted that illegally doing any mining can be a subject matter of the F.I.R also. He further submitted that the petitioner has filed supplementary affidavit and submitted that in light of a complaint dated 11.05.2024 where the allegations are of cognizable offence. He submitted that section 21(6) of the MMRD Act speaks that the offences under that Act are

cognizable. With regard to the complaint dated 11.05.2024 only Sanha No.11 of 2024 dated 11.07.2024 has been registered by police which clearly suggest that they are trying to protect the accused persons for the reasons best known to them. He submitted that the above complaint is made against former S.S.P., Dhanbad and various other police officers of Dhanbad and other persons working in connivance by abusing their post for loot of coal at a large scale from closed or un-operational mines to the benefit of many hard-coke manufacturing plants in and around Dhanbad involving crores of rupees of black money and illegal practice. He submitted that registering of Sanha itself is a reason enough for transfer of the case to any independent central agency. He draws the attention of the Court to Annexure-2 series of the said supplementary affidavit and submitted that there are documents, paper-cutting news articles which have also been annexed with the complaint bearing No.79142 dated 11.05.2024 filed by the petitioner on Jharkhand On-line F.I.R. System as well as sent through e.mail dated 12.05.2024 to various authorities. He submitted that there are many materials which are brought on record and in spite of that, the F.I.R has not been registered and as such, the writ petition is maintainable in light of the above judgments and appropriate order may kindly be passed for registration of the F.I.R and investigation.

13. Mr. Sibbal, the learned Senior counsel appearing on behalf of the respondent State submitted that there is no material on the record and in view of that the F.I.R cannot be registered and he has repeated his argument about the maintainability of the writ petition and submitted that the writ petition is not maintainable under Article 226 of the Constitution of India.

14. To buttress his argument, he further relied in the order of this Court in the case of ***Agha Sahnawaz v. State of Jharkhand and Others, 2021 SCC OnLine Jhar. 330*** and submitted that considering the ***Sakari Vasu[supra]*** case, this Court has not interfered and dismissed the said writ petition with liberty to the petitioner to approach before the learned Magistrate concerned by invoking statutory remedy available under the Cr.P.C.

15. Relying on the above judgment, he submitted that in absence of any material no F.I.R can be registered. He further submitted that if the material is there, then the matter would be otherwise. On these grounds, he submitted that the writ petition may kindly be dismissed.

16. Mr. Das, the learned counsel appearing on behalf of the Enforcement Directorate [E.D] submitted that once the F.I.R is registered and if it is found that there is proceeds of crime, then the role of Enforcement Directorate will come.

17. In view of the above submissions of the learned counsels appearing on behalf of the parties, the Court has gone through the materials on record including the contents made in the I.A. No.9800 of 2024 with regard to the maintainability of the writ petition. There is no doubt that the allegations are made that the petitioner is accused in many cases; the question remains whether only due to that fact the petitioner will be prevented to file any F.I.R, who is said to be a journalist, or not? There is no doubt that the High Courts are moving slowly in such type of matters where the alternative remedy is there. However, exercising power under Article 226 of the Constitution of India or under section 482 of the Cr.P.C depends upon the facts of each case.

Seeing the nature of dispute in that case *[**Sakari Vasu (supra)**]*, there was dispute with regard to the death of a Major in Indian Army at the Railway Station and a detailed report was submitted stating that the death was due to an accident or suicide and in light of that dispute, Hon'ble Supreme Court has held that once the efficacious remedy is there, the petitioner is required to avail said remedy.

18. A criminal proceeding is not a proceeding for vindication of a private grievance but it is a proceeding initiated for the purpose of punishment to the offender in the interest of society. Therefore, any member of the society must have locus to initiate a prosecution as also to resist withdrawal of such prosecution if initiated. This aspect of the matter has been considered by the Hon'ble Supreme Court in the case of ***Sheonandan Paswan v. State of Bihar and Others, (1987) 1 SCC 288***, wherein at paragraph no.14, it has been held as under:

> *"**14.** The learned counsel on behalf of Dr Jagannath Mishra also raised another contention of a preliminary nature with a view to displacing the locus standi of Sheonandan Paswan to prefer the present appeal. It was urged that when Shri Lallan Prasad Sinha applied for permission to withdraw the prosecution against Dr Jagannath Mishra and others, Sheonandan Paswan had no locus to oppose the withdrawal since it was a matter entirely between the Public Prosecutor and the Chief Judicial Magistrate and no other person had a right to intervene and oppose the withdrawal and since Sheonandan Paswan had no standing to oppose the withdrawal, he was not entitled to prefer an appeal against the order of the learned Chief Judicial Magistrate and the High Court granting permission for withdrawal. We do not think there is any force in this contention. It is now settled law that a criminal proceeding is not a proceeding for vindication of a private grievance but it is a proceeding initiated for the purpose of punishment to the offender in the interest of the society. It is for maintaining stability and orderliness in the society that certain acts are*

constituted offences and the right is given to any citizen to set the machinery of the criminal law in motion for the purpose of bringing the offender to book. It is for this reason that in A.R. Antulay v. R.S. Nayak [(1984) 2 SCC 500 : 1984 SCC (Cri) 277] this Court pointed out that (SCC p. 509, para 6) "punishment of the offender in the interest of the society being one of the objects behind penal statutes enacted for larger good of the society, right to initiate proceedings cannot be whittled down, circumscribed or fettered by putting it into a strait jacket formula of locus standi …." This Court observed that locus standi of the complainant is a concept foreign to criminal jurisprudence. Now if any citizen can lodge a first information report or file a complaint and set the machinery of the criminal law in motion and his locus standi to do so cannot be questioned, we do not see why a citizen who finds that a prosecution for an offence against the society is being wrongly withdrawn, cannot oppose such withdrawal. If he can be a complainant or initiator of criminal prosecution, he should equally be entitled to oppose withdrawal of the criminal prosecution which has already been initiated at his instance. If the offence for which a prosecution is being launched is an offence against the society and not merely an individual wrong, any member of the society must have locus to initiate a prosecution as also to resist withdrawal of such prosecution, if initiated. Here in the present case, the offences charged against Dr Jagannath Mishra and others are offences of corruption, criminal breach of trust etc. and therefore any person who is interested in cleanliness of public administration and public morality would be entitled to file a complaint, as held by this Court in A.R. Antulay v. R.S. Nayak [(1984) 2 SCC 500 : 1984 SCC (Cri) 277] and equally he would be entitled to oppose the withdrawal of such prosecution if it is already instituted. We must therefore reject the contention urged on behalf of Dr Jagannath Mishra that Sheonandan Paswan had no locus standi to oppose the withdrawal of the prosecution. If he was entitled to oppose the withdrawal of the prosecution, it must follow a fortiorari that on the turning down of his opposition by the learned Chief Judicial Magistrate he was entitled to prefer a revision application to the High Court and on the High Court rejecting his revision application he had standing to prefer an appeal to this Court. We must therefore reject this contention of the learned counsel appearing on behalf of Dr Jagannath Mishra."

19. In view of the above judgment of the Hon'ble Supreme Court, any person who is interested in cleanliness of public administration and public morality, can be entitled to file a complaint. This aspect has further been reiterated by the Hon'ble Supreme Court in the case of ***Ratan Lal v. Prahlad Jat and Others[supra]***, on which reliance has been placed by the learned counsel for the petitioner.

20. In view of above, only on the ground of locus if a case of investigation is made out, the writ petition cannot be thrown out on the ground of maintainability. However, that is subject to the nature of complaint brought into the knowledge of the High Court. As such, maintainability aspect is answered against the State, hence, I.A. No.9800 of 2024 is dismissed and the Court held that the writ petition is maintainable if the materials are there of cognizance and further if no action is being taken by the respondent State.

21. A reference may be made to the paragraph no.13 and 14 of the I.A. No.9800 of 2024, wherein it is stated as under:

> *"13. That "falsity/ absurdity" of the allegations is further established/ confirmed in terms of section -11 of Jharkhand Minerals (Prevention of Illegal Mining, Transportation, and Storage) Rules, 2017. The said Section -11 reads: Search, Seizure and Confiscation –(1) The following officers are authorized to stop, check, search and verify at any place/truck/ other vehicle carrying the minerals/ ore from the mine or other source or storage and seize the same as required within the jurisdiction as specified below:*

(i)	*Additional Chief Secretary/ Principal Secretary/Secretary' Commissioner, Mines*	*In the entire State*
(ii)	*Director of Mines*	*In the entire State*
(iii)	*Additional Director of Mines*	*-do-*
(iv)	*Deputy Director of Mine*	*Within their respective Jurisdiction*
(v)	*District Collector/Deputy*	*Within their respective jurisdiction*

Commissioner

(vi)	*District/Assistant Mining Officer*	*Within their respective Jurisdiction*
(vii)	*Sub Divisional Magistrate/ Any Other officer authorized by authorized by the Collector*	*Within their respective jurisdiction/ jurisdiction authorized by the Collector in the district.*
(viii)	*Mining Inspector*	*-do-*
(ix)	*In-Charge Check Gate*	*-do-*

It shall be the responsibility of the mining lessee/ dealers to ensure that their carriers afford all assistance and cooperation for such inspection.

14. That it is stated and submitted that from the perusal of section 11 of the aforesaid Rules it is crystal clear that police has got no statutory role in mining related transportation. Thus, the allegations levelled against the police officers are without any foundation"

22. In paragraph no.14, in clear terms, the State has stated that police has got no role to investigate which itself suggest that police is not intending to register the F.I.R as the allegations are made against senior police officials of the State with regard to the illegal mining in the district of Dhanbad. These facts clearly suggest that if the State is not willing to register the F.I.R, what will be the course of action, if serious allegation of corruption is made in the complaint petition, which is the subject matter of the present writ petition.

23. In on-line complaint, the petitioner has alleged that the former Superintendent of Police, Dhanbad, Mr. Sanjeev Kumar was given strategic and favoured posting in Dhanbad by the present Government of Jharkhand to form a protective blanket and umbrella for illegal procurement, transportation and trading of coal so as to collect illegal gratification money for all his high officials. In the month of January, 2022, the said Sanjeev Kumar was promoted in the higher rank of D.I.G. but he was purposely not posted in the said higher rank, but in the name of so called upgradation of the post of Senior S.P., Dhanbad, he was continued with his same lower rank because to him

own conduct and direction given to his subordinate police officials in the district of Dhanbad, created a protective blanket/umbrella for the illegal coal dealers, bulk coal purchasers, hard coke manufacturing plant owners etc. to extract and mine illegal coal on a very large scale by making all kinds of unscrupulous persons and unlawful coal traders to indulge into the illegal mining, procurement, transportation and trading of the coal from the closed or non-operational mines, coal dumps and the outsourcing mining sites and thereby Mr. Sanjeev Kumar has for himself and highers collected Rs.1,50,000/- to Rs.1,80,000/- per truck carrying forty tons illegal coal extracted from unoperational and outsourcing mining sites in Jharia, Bhagmara, Katras and Nirsa and the surrounding areas. It is disclosed that it is in common knowledge in the district of Dhanbad, the journalist and freelance journalist working in Dhanbad that such fact can be testified that every day more than 500-600 trucks atleast 20,000-24,000 tons of coal has been illegally mined and Dhanbad police under the leadership of Mr. Sanjeev Kumar (then.Sr.S.P.) has paid no heed, rather gave full protection to such illegal activities so that on paper and documents their highers are not caught in lieu of unauthorized mining, transportation and trading of coal under full protection and support of police administration Dhanbad a huge unaccounted money can be grabbed. In the said complaint further allegations are made and even certain instances were indicated and it is one of the instance is stated by letter dated 28.01.2023, the Project Officer, AB OCP Mines, BCCL informed officer incharge, Baghmara Police Station about the incident of 21.8.2023 and requested to lodge the FIR and as per the instruction of district mining officer Dhanbad a site near Kesamurag panchayat was inspected on that day at 11.30 a.m by the

Mines Inspector, GMO office Dhanbad in presence of the management AB OCP Mines Inspector, CISF and S.I. Baghmara P.S. to find illegal mining excavation instance at site as evidence of illegal mining was evident but no action has been taken and there are other instances made in the said complaint and matter was brought to the knowledge of the highers of the State of Jharkhand, however, no action has been taken. Along with the said complaint, the other documents are also enclosed. In the supplementary affidavit filed by the petitioner further documents are enclosed which are the part of the complaint dated 11.05.2024. There is complaint dated 27.05.2023 addressed to the officer in-charge Bhagmara police station by the Project Officer, AB OCP Mines with regard to the unbreaking of the lock of barrier and extracting of the coal the identical complaint is of the Project Officer dated 30.05.2023 to the said officer in-charge. On 19/26.2.2023 against the complaint and further complaints are there dated 4.7.2023 5.7.2023, 11.8.2023, 21.8.2023 all addressed to the officer in-charge of the Baghmara police station. One Indal Kumar has made complaint who is District Secretary of Dhanbad District Congress Committee to the Director General of Police (DGP) about threatening of his life and eliminating him as he has made complaint with the Deputy Commissioner and Senior Superintendent of Police, Dhanbad against the officer in-charge of Baghmara police station with regard to illegal transportation of the coal. Likewise, there are other documents as well as the paper news.

24. In view of the above, it transpired that there are serious allegations of corruption of with regard to illegal mining in the district of Dhanbad and the allegation is made against none other than

the Senior Superintendent of Police of that time. As such, there are materials on record to suggest that the cognizable offences are there. If the cognizable offence is made out, the police is required to register the F.I.R in light of judgment rendered in the case of ***Lalita Kumari v. State of U.P. and Others[supra]*** as held at paragraph no.120 of the said judgment, which is quoted hereinbelow:

> *"120. In view of the aforesaid discussion, we hold:*
> *120.1. The registration of FIR is mandatory under Section 154 of the Code, if the information discloses commission of a cognizable offence and no preliminary inquiry is permissible in such a situation.*
> *120.2. If the information received does not disclose a cognizable offence but indicates the necessity for an inquiry, a preliminary inquiry may be conducted only to ascertain whether cognizable offence is disclosed or not.*
> *120.3. If the inquiry discloses the commission of a cognizable offence, the FIR must be registered. In cases where preliminary inquiry ends in closing the complaint, a copy of the entry of such closure must be supplied to the first informant forthwith and not later than one week. It must disclose reasons in brief for closing the complaint and not proceeding further.*
> *120.4. The police officer cannot avoid his duty of registering offence if cognizable offence is disclosed. Action must be taken against erring officers who do not register the FIR if information received by him discloses a cognizable offence.*
> *120.5. The scope of preliminary inquiry is not to verify the veracity or otherwise of the information received but only to ascertain whether the information reveals any cognizable offence.*
> *120.6. As to what type and in which cases preliminary inquiry is to be conducted will depend on the facts and circumstances of each case. The category of cases in which preliminary inquiry may be made are as under:*
> *(a) Matrimonial disputes/family disputes*
> *(b) Commercial offences*
> *(c) Medical negligence cases*
> *(d) Corruption cases (e) Cases where there is abnormal delay/laches in initiating criminal*
> *prosecution, for example, over 3 months' delay in reporting the matter without satisfactorily explaining the reasons for delay.*
> *The aforesaid are only illustrations and not exhaustive of all conditions which may warrant preliminary inquiry.*
> *120.7. While ensuring and protecting the rights of the accused and*

the complainant, a preliminary inquiry should be made time-bound and in any case it should not exceed 7 days. The fact of such delay and the causes of it must be reflected in the General Diary entry.

120.8. Since the General Diary/Station Diary/Daily Diary is the record of all information received in a police station, we direct that all information relating to cognizable offences, whether resulting in registration of FIR or leading to an inquiry, must be mandatorily and meticulously reflected in the said diary and the decision to conduct a preliminary inquiry must also be reflected, as mentioned above."

25. Till date, even a preliminary inquiry has not been conducted by the police and in paragraph no.14 of the I.A. No.9800 of 2024 they have stated that police has got no jurisdiction which clearly suggest that the State is adamant not to register the F.I.R against the highers of the State.

26. There are materials on record which clearly suggest that the cognizable offence is made out and in view of that the argument of Mr. Sibbal, the learned Senior counsel appearing on behalf of the respondent State with regard to non-availability of the materials is not being accepted by this Court. If the information discloses about commission of cognizable offence, the registration of the F.I.R is mandatory and no preliminary inquiry is permissible.

27. The scope of preliminary inquiry, even when permissible, it is only to ascertain whether the information reveals any cognizable offence, proper exchange for such verification of the veracity of the information is after the registration of the F.I.R. and not before the registration of the F.I.R. Every police officer should have a courtesy towards the public is the essence of and the key to good public relation. It is essential that every police officer must form the man on beat to the higher executive should have a sound knowledge of the value of courtesy. The police are the first visible point of contact of citizens. It is

the only agency that has the widest possible contact with the people. Police functions are mostly prohibited and regulatory in nature and this leaves an impression on the individual citizen that police interferes with the life, liberty and freedom of the people. It is the duty of the police to preserve order and prevent crime and when there is violation of law, it is the duty of the police to apprehend the offenders and produce them before the court to be dealt with the procedure established by law.

28. The purpose and objective of police in a democratic society are preventive and detention of crime, maintenance of public order, respect for the rule of law, respect for the dignity of human person and respect for freedom, liberty and rights of citizens and in view of that, the police should assume a service oriented role of which law enforcement is only a part.

29. The social legislation has added new dimension to the role of police. In fact the role of police has been redefined to include the values of democratic quality, secularism, social justice, human dignity and building up of a democratic image of police to serve the community. The concept of development and distributive justice has further extended the role of police to the new arenas and in a democratic society the police is responsible to the people. The object of the F.I.R are to set the law into motion to obtain information about occurrence of a cognizable offence and to corroborate during trial.

30. So far as the judgment relied by Mr. Sibbal, the learned Senior counsel appearing on behalf of the respondent State in the case of ***Agha Sahnawaz v. State of Jharkhand and Others[supra]*** is concerned, in that case the police has already proceeded under section 107 Cr.P.C and in view of the private dispute, that order was passed and

the facts of the present case is distinguishable to the effect that the order passed in that case is not helping the petitioner.

31. Anybody can lodge the F.I.R. The question of locus standi is not a ground of not registering the F.I.R. Thus, a prima facie case is made out for registering the F.I.R and there is no question of not registering the F.I.R if such a case is made out.

32. In paragraph no.14 of the I.A., the State has disclosed that there is no role of police which clearly suggest that the State is not inclined to register the F.I.R in view of that fact that the materials are there against the highers of the State of Jharkhand and in such a situation, this Court is required to consider as to whether the case of transfer the case to any Central agency is made out or not?

33. In the aforesaid circumstances, inspite making efforts when the First Information Report of the complainant regarding allegations was neither registered nor any investigation in that regard was started by the police authorities on which, the petitioner demanded for investigation of the alleged offence by the CBI and for registration of the FIR. As per the averments, the local administration are hands in gloves with the respondents and instead of lodging the First Information Report, they are shielding the offender of the offence knowing fully well that the alleged offence prima-facie was committed by the Sanjeev Kumar (Sr.S.P.) and other officials, the cognizable offence and registration of the FIR of the same under Section 173 of BNSS. was necessary but inspite that, they have not registered the same and in the absence of such FIR against the police officials, no investigation of the offence was started. When there is *prima facie* cognizable offence was committed by the police officials not

registering the F.I.R is nothing but to shield the commission of the offence committed by the higher officials.

34**.** True it is that in the normal circumstances, the investigation of the criminal case cannot be ordered in the writ jurisdiction but where there special facts and circumstances are involved, thereby the right of any citizen either he is the accused or the victim has/have been violated by the authorities, then certainly the High Court has jurisdiction to rectify such mistake under Article 226 of the Constitution of India by judicial review. It is settled proposition of law that justice should not only be done but it should be appeared that the same is being done and it has been done. Such approach is of this court is fully based on the principle laid down by the Constitutional Bench of the Apex Court presided over by five Hon'ble Judges in the matter of ***State of West Bengal v. Committee for Protection of Democratic Rights, West Bengal*** reported in ***(2010) 3 SCC 571*** in which it was held as under:—

> *"68. Thus, having examined the rival contentions in the context of the constitutional scheme, we conclude as follows:*
>
> *(i) The fundamental rights, enshrined in Part III of the Constitution, are inherent and cannot be extinguished by any constitutional or statutory provision. Any law that abrogates or abridges such rights would be violative of the basic structure doctrine. The actual effect and impact of the law on the rights guaranteed under Part III has to be taken into account in determining whether or not it destroys the basic structure.*
>
> *(ii) Article 21 of the Constitution in its broad perspective seeks to protect the persons of their lives and - personal liberties except according to the procedure established by law. The said Article in its broad application not only takes within its fold enforcement of the rights of an accused but also the rights of the victim. The State has a duty to enforce the human rights of a citizen providing for fair and impartial investigation against any person accused of commission of a cognizable offence, which may include its own officers. In certain situations even a witness to the crime may seek for and shall be granted protection by the State.*

(iii) In view of the constitutional scheme and the jurisdiction conferred on this Court under Article 32 and on the High Courts under Article 226 of the Constitution the power of judicial review being an integral part of the basic structure of the Constitution, no Act of Parliament can exclude or curtail the powers of the Constitutional Courts with regard to the enforcement of fundamental rights. As a matter of fact, such a power is essential to give practicable content to the objectives of the Constitution embodied in Part III and other parts of the Constitution. Moreover, in a federal constitution, the distribution of legislative powers between the Parliament and the State Legislature involves limitation on legislative powers and, therefore, this requires an authority other than Parliament to ascertain whether such limitations are transgressed. Judicial review acts as the final arbiter not only to give effect to the distribution of legislative powers between the Parliament and the State Legislatures, it is also necessary to show any transgression by each entity. Therefore, to borrow the words of Lord Steyn, judicial review is justified by combination of "the principles of separation of powers, rule of law, the principle of constitutionality and the reach of judicial review".

(iv) If the federal structure is violated by any legislative action, the Constitution takes care to protect the federal structure by ensuring that the Courts act as guardians and interpreters of the Constitution and provide remedy under Articles 32 and 226, whenever there is an attempted violation. In the circumstances, any direction by the Supreme Court or the High Court in exercise of power under Article 32 or 226 to uphold the Constitution and maintain the rule of law cannot be termed as violating the federal structure.

(v) Restriction on the Parliament by the Constitution and restriction on the Executive by the Parliament under an enactment, do not amount to restriction on the power of the Judiciary under Article 32 and 226 of the Constitution.

(vi) If in terms of Entry 2 of List II of The Seventh Schedule on the one hand and Entry 2-A and Entry 80 of List I on the other, an investigation by another agency is permissible subject to grant of consent by the State concerned, there is no reason as to why, in an exceptional situation, the Court would be precluded from exercising the same power which the Union could exercise in terms of the provisions of the Statute. In our opinion, exercise of such power by the constitutional courts would not violate the doctrine of separation of powers. In fact, if in such a situation the court fails to grant relief, it would be failing in its constitutional duty.

(vii)……

"69 In the final analysis, our answer to the question referred is that a direction by the High Court, in exercise of its jurisdiction under Article 226 of the Constitution to CBI to investigate a cognizable offence alleged to have been committed within the territory of a State without

the consent of that State will neither impinge upon the federal structure of the Constitution nor violate the doctrine of separation of power and shall be valid in law. Being the protectors of civil liabilities of the citizens, this Court and the High Courts have not only power and jurisdiction but also an obligation to protect the fundamental rights, guaranteed by Part III in general and under Article 21 of the Constitution in particular, zealous and vigilantly."

35. A reference may be made to the case of ***Samaj Parivartan Samudaya and Others v. State of Karnataka and Others,*** reported in ***(2012) 7 SCC 407***, wherein at paragraph no.66, it has been held as under:

*"**66.** Wherever and whenever the State fails to perform its duties, the Court shall step in to ensure that the rule of law prevails over the abuse of process of law. Such abuse may result from inaction or even arbitrary action of protecting the true offenders or failure by different authorities in discharging statutory or legal obligations in consonance with the procedural and penal statutes. This Court expressed its concern about the rampant pilferage and illegal extraction of natural wealth and resources, particularly iron ore, as also the environmental degradation and disaster that may result from unchecked intrusion into the forest areas. This Court, vide its order dated 29-7-2011 [Govt. of A.P. v. Obulapuram Mining Co. (P) Ltd., (2011) 12 SCC 491] invoked the precautionary principle, which is the essence of Article 21 of the Constitution of India as per the dictum of this Court in M.C. Mehta v. Union of India [(2009) 6 SCC 142] , and had consequently issued a ban on illegal mining. The Court also directed relief and rehabilitation programmes to be carried out in contiguous stages to promote intergenerational equity and the regeneration of the forest reserves. This is the ethos of the approach consistently taken by this Court, but this aspect primarily deals with the future concerns. In respect of the past actions, the only option is to examine in depth the huge monetary transactions which were effected at the cost of national wealth, natural resources, and to punish the offenders for their illegal, irregular activities. The protection of these resources was, and is the constitutional duty of the State and its instrumentalities and thus, the Court should adopt a holistic approach and direct comprehensive and specialised investigation into such events of the past."*

36. In view of above judgment of the Hon'ble Supreme Court, it is crystal clear here that national wealth/ national resources of the State

of Jharkhand, particularly, in the district of Dhanbad, are being misappropriated and in the case in hand serious allegations are made of illegal transportation of coal even from the closed mines.

37. So far case laws cited by the State, are concerned, it is suffice to say that this Bench does not have any dispute regarding the principles laid down in the same but the same being distinguishable on facts, in the available circumstances of the case at hand are neither applicable nor helping to the State's authorities of the respondents as discussed hereinabove.

38**.** It is true that the CBI is already overburdened with the investigations and the enquiries of the various high profiles cases of the national and international ramifications and in such premises, on the basis of available infrastructure of the CBI it may be difficult for it to carry out the investigation of the impugned case but in order to maintain the faith of the people at large in the system, so also to protect the right of the citizens, the investigation of the impugned serious allegation was alleged against the Sr.S.P. and other officials stated hereinabove investigation is required through CBI.

39. In view of above judgments of the Hon'ble Supreme Court with regard to the transfer of the case to the agency, the Court finds that prima facie case of transferring this case is made out to the C.B.I. as highers are involved and the Jharkhand police is not willing to register the F.I.R. in view of the opportunity provided to them and they have resisted the same in the counter affidavit in the form of I.A. only on the ground that the petitioner is having the criminal antecedent.

40. With regard to preliminary enquiry by the C.B.I reference may be made to the case of ***Manohar Lal Sharma v.***

Principal Secretary reported in ***(2014) 2 SCC 532*** wherein at paragraph no.29 it was held as under:

> *"29. Once jurisdiction is conferred on CBI to investigate the offence by virtue of notification under Section 3 of the DSPE Act or CBI takes up investigation in relation to the crime which is otherwise within the jurisdiction of the State police on the direction of the constitutional court, the exercise of the power of investigation by CBI is regulated by the Code and the guidelines are provided in the CBI (Crime) Manual. Para 9.1 of the Manual says that when, a complaint is received or information is available which may, after verification, as enjoined in the Manual, indicates serious misconduct on the part of a public servant but is not adequate to justify registration of a regular case under the provisions of Section 154 of the Code, a preliminary enquiry (PE) may be registered after obtaining approval of the competent authority. It also says that where the High Courts and the Supreme Court entrust matters to CBI for inquiry and submission of report, a PE may be registered after obtaining orders from the head office. When the complaint and source information reveal commission of a prima facie cognizable offence, a regular case (RC) is to be registered as enjoined by law. A PE may be converted into RC as soon as sufficient material becomes available to show that prima facie there has been commission of a cognizable offence. When information available is adequate to indicate commission of cognizable offence or its discreet verification leads to similar - 113 - W.P. (PIL) No. 1811 of 2022 conclusion, a regular case must be registered instead of a PE.*

41. In view of the above judgment in which guidelines of C.B.I Manual was considered, this case is fit to be investigated by the C.B.I.

42. In view of the above, the C.B.I is directed to register the case of preliminary inquiry with regard to the complaint of the present writ petition and the complaint is also made by way of Annexure-2 to the C.B.I. and the Enforcement Directorate [E.D] and after preliminary inquiry, the Director, Central Bureau of Investigation (C.B.I.) if comes to a conclusion that the case of investigation is made out. He is free to register the F.I.R and investigate the same in

accordance with law.

43. All the police officers are directed to co-operate with the preliminary inquiry with the C.B.I.

44. Mr. Anil Kumar, the learned Senior counsel who usually appears for the C.B.I. is requested to communicate this order to the Director, C.B.I.

45. In view of the above terms, this writ petition is allowed and disposed of.

46. After hearing both the sides, the judgment of the present case was reserved on 24.09.2024. The Registry has placed I.A. No.10676 of 2024 which has been filed on 26.09.2024 after the judgment was reserved by the respondent State, wherein it is prayed to decide the I.A. No.9800 of 2024 first and if required then to grant time to the respondent State of Jharkhand to file a detailed counter affidavit and even on the date of final argument on 24.09.2024, no prayer was made for filing further counter affidavit and it was argued on preliminary objection as well as on merit of the case. In paragraph no.5 of the said I.A., it is stated as under:-

> "*That it is stated that after hearing both the parties the Hon'ble Court pleased to reserve the judgment on the interlocutory application as well as on merit of the main criminal writ application.*"

47. In view of above, it is crystal clear that the writ petition was reserved on the point of maintainability of the writ petition as well as on merit, and thereafter, the I.A is filed which clearly suggest that how the respondent State is bent upon that the Court may not pass order and filing of the present I.A. further strengthen the case of the petitioner with regard to non-registering of the F.I.R with regard to

illegal mining in the district of Dhanbad. The Court deprecate such practices that too a litigant which is the State itself. This is not a practice to file such petition in such casual way after providing full opportunity on several dates and the final argument was made. On 02.8.2024 the learned Advocate General has taken four weeks' time to file counter affidavit which was allowed on 28.08.2024. The further time was taken by the learned counsel for the respondent State to file counter affidavit and thereafter I.A. No.9800 of 2024 was filed which is a lengthy I.A containing 215 pages and the entire facts of the case has been disclosed in the said I.A. and the respondent State has agreed to argue the matter on merit based on the said I.A. and thereafter it was heard and the judgment was reserved.

48. In the above facts, the I.A. No.10676 of 2024 is a misconceived one and with intention it was filed that the Court may not pass any order. Accordingly, I.A. No.10676 of 2024 is hereby dismissed.

(Sanjay Kumar Dwivedi, J.)

Jharkhand High Court, Ranchi,
Dated 03/10/2024
SI/ AFR/ ;