

IN THE HIGH COURT OF JHARKHAND, RANCHI

W.P. (PIL) No. 4760 of 2024

Court on its own Motion

Versus

The State of Jharkhand

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the State:- Mr. Manish Mishra, Advocate

/27.08.2024:- The Court is dealing with the trauma which faced on 23.08.2024 while returning from High Court to the residence. On that day a demonstration was organized by a political party in the Morabadi ground. The Hon'ble Chief Minister of Jharkhand resides in his official residence in Kanke Road where in the Kanke Road also, the undersigned resides. In the morning at 10.A.M. when the undersigned has started for the Court found that one P.C.R. has been called at the residence of the undersigned. On enquiry it was informed by the P.S.O. that while he was coming to the residence of the undersigned he found there is 'Jam' near the Ram Mandir upto the residence of the Chief Minister in view of that he has called the P.C.R. and pursuant thereto P.C.R. has come and the undersigned was escorted for some distance and that is how the undersigned has reached to the Court. This initiative has been taken by the P.S.O. of undersigned on his own wisdom and police authorities have not taken this initiative on their part. Thus, in morning court hours reaching safe to the Court of the undersigned for that all credit goes to P.S.O. of the undersigned. The Court was late in sitting on that day by half an hour and just after sitting the undersigned has

informed the Bar that due to 'Jam' near the Chief Minister residence, the undersigned has reached late to the Court. On that day being the reference of the retired judges the working hour was over by 2.15 P.M. and after discharging of some further duties in the Chamber the undersigned has left the Court premises at 3.18 P.M. for the residence. The P.S.O. of the undersigned has called upon the P.C.R. at 3.18 P.M. and 3.22 P.M and the P.C.R. has shown the inability to rescue the undersigned. In the Control Room six calls have been made by the P.S.O. of the undersigned. For half an hour the undersigned was stuck in front of the residence of the Chief Minister and even nothing was done by the police officials on repeated request by the P.S.O of undersigned. The undersigned has called upon the Registrar General and the Court Officer to look into the matter as the undersigned was willing to walk to the residence which was 1.00 K.M. away from the spot, then the P.S.O and the driver stopped the undersigned and requested not to do so as that will be fatal. Thereafter, the Registrar General has taken up the matter with the Director General of Police, Jharkhand and the Director General of Police, Jharkhand has interfered with and he has instructed the Superintendent of Police (Traffic), Ranchi and thereafter the undersigned was rescued from that spot to the residence.

2. In this background at 10.30 A.M. today as for three days there was court holidays, The Registrar General, Registrar (Establishment) as well as the Court Officer of this Court were

called upon and the Court requested them to call the Director General of Police, Jharkhand, Deputy Commissioner, Ranchi, Senior Superintendent of Police, Ranchi as well as the Superintendent of Police (Traffic), Ranchi at 12.30 P.M. and that is how all the officers are present in the Court.

3. This is a serious matter in view of that the Court was compelled to take all these efforts which has been narrated hereinabove. This is not concern of one Court only if one Judge of the High Court is not safe meaning thereby the other Judges are not safe that too in a State where a good officer of the higher judiciary of the State has lost his life on the action of some accused which is being investigated by the C.B.I and being monitored by the Hon'ble Division Bench of this Court. The Court thought if nothing is done on the issue in question, authority concerned will not take any action with regard to safety of the High Court Judges.

4. In a nutshell, it will be no exaggeration if it is said that the High Court Judges are high dignitaries, who by virtue of their office and the nature of work, that is to say, dispensation of justice, exercise a regal or sovereign function; their work forms part of Constitutional duty of the State and they discharge inalienable functions of the constitutional Government, which no one else is entitled to perform. They are to be faithful and true to the duties of their office and to function without fear or favour, affection or ill-will and act only to uphold the Constitution and the laws framed thereon. They have to be aloof to some extent from others. These

and other acts which Judges perform make them the object of regard and respect of others. Their functions as demanded by their office make them important for the society. No one in the Government's bureaucratic set up can ignore their position as such this Court is constrained to say so because this has happened with the sitting Judge of the High Court.

5. It is the highest duty of every governmental agency to guard and protect the judicial institutions from such attack on them. The great cherished values of the Constitution, the rule of law, human rights and the dignity and all varieties of a civilized life will be eroded if such executive high-handedness is allowed to prevail.

6. In course of interaction at Bar, the Director General of Police, Jharkhand has admitted that laches has occurred however, he assured that it will be rectified and in future it will not be repeated.

7. The appearance of Director General of Police, Jharkhand, Deputy Commissioner, Ranchi, Senior Superintendent of Police, Ranchi and Superintendent of Police (Traffic), Ranchi are dispensed with.

8. The office shall register case as Courts on its own motion.

9. Registry shall place this order forthwith before the Hon'ble the Acting Chief Justice for needful.

(Sanjay Kumar Dwivedi, J.)

Satyarthi/A.F.R.