

**IN THE HIGH COURT OF JHARKHAND AT RANCHI**  
**Cr.M.P. No. 1043 of 2020**

Jawahar Prasad Jha

.... Petitioner(s).

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Versus

1. The State of Jharkhand
2. Nisha Jha
3. Kameshwar Jha
4. Geeta Devi
5. Anil Kumar Jha

... Opp. Party(s).

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**CORAM : HON'BLE MR. JUSTICE ANANDA SEN.**  
**Through: Video Conferencing**

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For the Petitioner(s) : Mr. Lalit Yadav, Advocate.  
For the State : Mr. P.D. Agrawal, Spl. P.P.

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05/10.09.2020: The lawyers have no objection with regard to the proceeding, which has been held through video conferencing today at 11:00 A.M. They have no complaint in respect of the audio and video clarity and quality.

2. This case was listed/supposed to be listed before the Lawazima Board for seeking an order in respect of the defects, pointed out by the office.

3. Considering the pandemic situation where the Court has minimized the footfall of the lawyers and their clerks in the Court, this Court felt proper to get all the cases listed before this Court so that the defects can be looked into at this stage only. Thus, this case is listed today before the Court directly.

4. Counsel for the petitioner undertakes to deposit the court fees within two weeks. The other defect(s), as pointed out by the office, stand ignored for the present.

5. Heard the counsel for the parties.

6. The petitioner is aggrieved by order dated 7.2.2019, by which, protest-cum-complaint filed by the petitioner has been dismissed. Being aggrieved, the petitioner approached the revisional court in Cr. Revision No. 163 of 2019. The revision petition was also dismissed on 17.2.2020. Aggrieved by the said orders, the petitioner has approached this Court.

7. From the order dated 7.2.2019, I find that a FIR was registered as Deoghar Town P.S. Case No. 732 of 2017 in which, final form was submitted in favour of the accused persons. A protest-cum-complaint was filed by the petitioner. Several opportunities were given to the petitioner for getting his statement on solemn affirmation recorded. In spite of several opportunities, the complainant did not appear for recording the solemn affirmation. No enquiry witnesses were also produced. Thus, the below after giving sufficient opportunities to the petitioner, has dismissed the protest-cum-complain petition.

8. The revisional court considering the aforesaid facts and after re-appraising and concurring with the findings of the trial court has also dismissed

the revision petition on 17.2.2019 upholding the order dated 7.2.2019 passed by the Magistrate.

9. Counsel for the petitioner submits that as the petitioner was ill, so he could not appear.

10. When I go through the revisional order, I find that the ground which the petitioner had taken is that due to mistake, the petitioner could not appear to get his statement recorded on solemn affirmation. Thus, there is no consistency in the ground taken by the petitioner.

11. Since the petitioner did not appear to get his statement recorded on solemn affirmation nor there was any enquiry witness, it is well within the jurisdiction of court below to dismiss the complaint. I find no illegality committed by both the courts below.

12. Accordingly, this petition is **dismissed**.