

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Appeal (DB) No. 492 of 2020

Fida Khan @ Sonu Khan --- --- Appellant
Versus
The State of Jharkhand --- --- Respondent

CORAM: **Hon'ble Mr. Justice Aparesh Kumar Singh**
Hon'ble Mrs. Justice Anubha Rawat Choudhary
Through: Video Conferencing

For the Appellant : Mr. Naveen Kr. Jaiswal, Advocate
For the State : Mr. Shekhar Sinha, P.P.

06/07.09.2021 Learned counsel for the appellant Mr. Naveen Kr. Jaiswal is present. Learned counsel for the State Mr. Shekhar Sinha is also present.

Learned counsel for the State has submitted that a counter affidavit has been filed in the present case wherein it has been mentioned that investigation is not pending against other co-accused of the case in as much as charge sheet has been submitted against two accused persons namely Umar Khan @ Hajrat Umar and Asif Khan @ Sonu Khan under Sections 363, 366A, 376D, 120B of the I.P.C. and Section 4/6 of the POCSO Act vide charge sheet no.17/2020 dated 19.04.2020. F.R.T. has been submitted due to lack of evidence for accused persons namely Tafejul Khan and Paitun Bibi vide same charge sheet no.17/2020. It has also been stated in para-4 of the affidavit that the co-accused Asif Khan @ Sonu Khan has been granted bail by this Court on 16.01.2020 while the co-accused Umar Khan @ Hajrat Umar was released on bail on 14.02.2020 by the learned court of District & Additional Sessions Judge-I, Lohardaga. It has also been stated that the trial of both the accused persons vide Special POCSO Case No.10/2020 is now pending in the court of learned District and Additional Sessions Judge-I, Lohardaga which is at the stage of evidence.

From perusal of the records of the case, it appears that the lower court records have been received, but no request has been received from the learned court below to get back the lower court records which may be required for the purposes of the aforesaid pending trial.

Office is directed to call for a report from the court of learned District and Additional Sessions Judge-I, Lohardaga with regard to the status of the case being Special POCSO Case No.10/2020 with particular reference to the fact as to whether the victim has been examined or not.

Let this order be communicated to the learned court below through FAX.

(Aparesh Kumar Singh, J)

(Anubha Rawat Choudhary, J)

Shamim/