

IN THE HIGH COURT OF JHARKHAND AT RANCHI

Cr. M.P. No. 1056 of 2011

With

I.A. No. 2163 of 2021

Piush Kumar Gupta **Petitioner**
 Versus
 State of Jharkhand and Anr. **Opp. Parties**

CORAM: HON'BLE MRS. JUSTICE ANUBHA RAWAT CHOUDHARY

Through: Video Conferencing

10/17.04.2021 **I.A. No. 2163 of 2021**

1. Heard Mr. Ajit Kumar, learned Senior counsel appearing on behalf of the petitioner along with Mr. Nipun Baxi, Advocate.
2. Heard Mr. Veervijay Pradhan, learned counsel appearing on behalf of the opposite party-State.
3. The learned Senior counsel for the petitioner has submitted that initially at the time of taking cognizance of offence, no cognizance was taken against the present petitioner and the present petition was filed challenging the entire criminal proceedings against the petitioner as the investigation was continued against the present petitioner.
4. He submits that during the pendency of this petition, the investigation has been completed and supplementary charge-sheet has been filed and the learned court below has issued summons against the petitioner vide order dated 16.09.2011.
5. He submits that initially at the time of taking cognizance, since there was no material against the petitioner, the cognizance was not taken against the petitioner. He also submits that even during further investigation, there is no material against the petitioner in the supplementary case diary and the learned court below has mechanically issued summons against the petitioner vide order dated 16.09.2011 which is under challenge in the interlocutory application being I.A. No. 2163/2021. The learned Senior counsel submits that there is no material against the petitioner and accordingly, the entire criminal proceeding against the petitioner is fit to be set-aside.
6. The learned counsel appearing on behalf of opposite party-State has submitted that he has filed a counter-affidavit in this case. He

further submits that he has already received the case-diary and the supplementary case diary along with a copy of the chargesheet and supplementary charge-sheet which will be deposited before this Court by 19.04.2021 for perusal and consideration.

So far as I.A. No. 2163/2021 is concerned, he has no serious objection, if the same is allowed and forms a part of the present petition.

7. After hearing the learned counsel for the parties and considering the facts and circumstances of this case, this Court finds that the entire criminal proceedings against the petitioner is under challenge and the order dated 16.09.2011 had been passed after submission of the supplementary charge-sheet and the investigation is complete.

8. In the facts and circumstances of this case, I.A. No. 2163/2021 is hereby allowed and is directed to form a part of the present petition.

9. Learned counsel for the State is also directed to submit the case diary as well as the supplementary case diary along with the charge-sheet and also supplementary charge-sheet to the learned court master of this Court by 19.04.2021.

10. Post this case for further hearing on 23.04.2021 to be taken up as 2:15 p.m. as a first case.

11. It will be open to the learned counsel for the parties to submit short notes of their arguments and also copies of the judgment(s) which they seek to rely upon at least two days prior to the next date of hearing.

(Anubha Rawat Choudhary, J.)