

IN THE HIGH COURT OF JHARKHAND AT RANCHI

Criminal Revision No. 1089 of 2015

Jitendra Nath Mahato ... **Petitioner**

Versus

The State of Jharkhand ... **Opposite Party**

with

Cr.MP No. 1142 of 2013

Bhola Nath Mishra ... **Petitioner**

Versus

The State of Jharkhand and Anr. ... **Opposite Parties**

(Through V.C)

CORAM: HON'BLE MR. JUSTICE SHREE CHANDRASHEKHAR

For the Petitioner(s) : Mr. A.K. Sinha, Sr. Advocate
Mr. Abhishek Sinha, Advocate
[in Cr. Rev. No. 1089 of 2015]
Mr. A.K. Das, Advocate
[In Cr.M.P. No. 1142 of 2013]
For the State : Mr. Bhola Nath Ojha, APP
[in Cr. Rev. No. 1089 of 2015]
Mrs. Shweta Singh, APP
[In Cr.M.P. No. 1142 of 2013]

Order No. _____ /Dated: 17th April, 2021

The petitioner in Cr.MP No. 1142 of 2013 has made the informant a party in the criminal miscellaneous petition.

In the order dated 03.05.2017 it is indicated that OP No. 2 has passed away.

By an order dated 22.01.2013 the discharge application filed under section 239 Cr.PC by Pradeep Kumar Jain, Jitendra Nath Mahto and Ranjeet Mahato has been dismissed.

The learned counsel for Jitendra Nath Mahato has stated that one of the co- accused had approached this Court by filing criminal revision petition which was dismissed as withdrawn.

The petitioner Bhola Nath Mishra has not taken any step in the matter and Mr. A.K. Das, the learned counsel for this petitioner states that he was not communicated any information regarding development in the Court below after death of OP no. 2.

Bhola Nath Mishra has challenged the order dated 13.01.2012 by which summons is issued to him.

The said order records that on the charge-sheet filed against co-accused Atikay Basuri cognizance for the offence under sections 467, 468, 471, 420 and 120(B) r/w 34 of the Indian Penal Code was already taken by the Court.

In the criminal miscellaneous petition except copies of the First Information Report, sale-deed dated 19.12.2008 and order dated 13.01.2012 no other material has been produced by the petitioner.

In Criminal Revision No. 1089 of 2015, Jitendra Nath Mahato has not disclosed his identity in the petition, however, Mr. A.K. Sinha, the learned Senior counsel states that he was working as advocate clerk to Bhola Nath Mishra.

Mr. Bhola Nath Ojha, the learned State counsel informs the Court that the investigating officer has filed affidavit stating that there is no progress in the trial in G.R.Case No. 65 of 2009.

There is an interim order passed on 27.08.2013 in Cr.MP No. 1142 of 2013.

In Criminal Revision No. 1089 of 2015, the petitioner has produced the copies of the First Information Report, charge-sheet and order dated 22.01.2013 which is impugned in the criminal revision petition.

In my opinion on the basis of these materials it is not possible for the Court to accept the contention raised on behalf of the petitioners that the order taking cognizance and the order by which the discharge petition has been dismissed are not sustainable in law.

Accordingly, an opportunity is granted to the petitioners to produce necessary materials on record, if they wish.

For this purpose, I am inclined to grant two months' time to the petitioners particularly in view of the Covid-19 Pandemic.

Post these matters under the heading "Final Disposal" as the first case on 25.06.2021 to be listed in the supplementary cause-list.

Interim order dated 27.08.2013 is extended till that date.

(Shree Chandrashekhar, J.)