

# Jharkhand High Court

संवाद Newsletter

JULY TO DECEMBER 2023 (VOLUME : II)

झारखण्ड उच्च न्यायालय



**THE  
CONSTITUTION OF INDIA**

**PREAMBLE**

**WE THE PEOPLE OF INDIA**

having solemnly resolved to constitute India into a

**SOVEREIGN SOCIALIST SECULAR  
DEMOCRATIC REPUBLIC**

and to secure to all its citizens

**JUSTICE**

social, economic and political

**LIBERTY**

of thought, expression, belief, faith and worship.

**EQUALITY**

of status and of opportunity,  
and to promote among them all

**FRATERNITY**

assuring the dignity of the individual and  
the unity and integrity of the Nation

**IN OUR CONSTITUENT ASSEMBLY**

this twenty-sixth day of November 1949, do

**HEREBY ADOPT, ENACT AND GIVE TO  
OURSELVES THIS CONSTITUTION**

**Publisher**

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- 834 004

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[www.jharkhandhighcourt.nic.in](http://www.jharkhandhighcourt.nic.in)

**Book**

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THE HIGH COURT OF JHARKHAND

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# EDITORIAL BOARD

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**Hon'ble Mr. Justice Rajesh Shankar,**  
Judge, High Court of Jharkhand

**Hon'ble Mr. Justice Rajesh Kumar,**  
Judge, High Court of Jharkhand

**Hon'ble Mrs. Justice Anubha Rawat Choudhary,**  
Judge, High Court of Jharkhand

## Compiled by:

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**Ravi Ranjan, Registrar Vigilance,**  
High Court of Jharkhand

**Tanvee, Deputy Secretary, SCMS Secretariat,**  
High Court of Jharkhand

**Amit Kumar, Court Manager,**  
High court of Jharkhand



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# Jharkhand

Betla National Park, Palamu



## From the Desk of Acting Chief Justice

In this age of technology, transparency should be the hallmark of an efficient and effective Justice Dispensation System. “SAMVAD” – the Newsletter is the interface of our institution with the outer world and is the source of passing information to the general public and other stakeholders coming to the Justice Dispensation System. Continuing the tradition, we are releasing the Newsletter which covers the achievements of Jharkhand Judiciary for the second half of the year 2023.



Hon'ble the Chief Justice of India has time and again laid emphasis for the preservation of the mutual trust in his expression “Our effort must be to reach out to the citizen by ensuring that their engagement with judicial institutions is efficient and transparent.” In the Justice Dispensation System, the High Court of Jharkhand has introduced various initiatives to ensure inclusion and ease of access to justice for the common litigants.

The digitization of case records in the High Court of Jharkhand which was abruptly stopped during the pandemic of COVID-19 could be restarted only in the month of July 2023 with adoption of a proper Document Management System. Since then, the digitization of the case records swelled to more than 25% of the total pendency in the High Court of Jharkhand. The introduction of e-payment of court fee and e-filing apart from the other services ensure greater transparency, accountability and ease of doing business in the court proceedings.

It gives me immense pleasure to present the recent volume of the Newsletter series of the High Court of Jharkhand – “SAMVAD”. I express my gratitude to my Sister and Brother Judges for their support and participation in this endeavour. I also place on record the efforts of the Editorial Committee of the Newsletter, Registry members and other supporting staff for compiling and preparing this new volume of “SAMVAD”.

**S. Chandrashekhara**  
Acting Chief Justice



## From the Desk of Editorial Board

We are extremely delighted to present the Second Volume (July –December 2023) of our Newsletter series – “Samvad” which has become a viable and effective mode of communication between the High Court and all other stakeholders of justice delivery system of the state of Jharkhand. An open and transparent judicial framework is the bedrock of any vibrant democracy and constitutional scheme. Through our newsletter series, containing six monthly reports of various developments in Jharkhand High Court, we try to be transparent and accountable to the stakeholders and general public.

In the second volume of “Samvad”, we have comprehensively covered all the judicial, administrative and technological developments that took place in the High Court as well as in the District Courts from July 2023 to December 2023. It also contains statistical data of the institution and disposal of cases, sanctioned and working strength of officers and staff of the High Court and Civil Courts, current status of digitization of records, development of infrastructure and information regarding seminars and other events held during the last six months of the year. We have also incorporated significant judgments passed by this High Court during the aforesaid period for the general benefit and awareness of the litigants and public.

We appreciate the sincere efforts and hard work of our editorial team, compilers and other support staff in making this publication a success. We hope that this edition of “Samvad” will be beneficial to all.

**Justice Rajesh Shankar**, Judge

**Justice Rajesh Kumar**, Judge

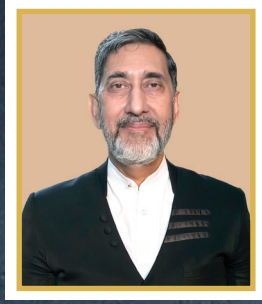
**Justice Anubha Rawat Choudhary**, Judge

*Acting Chief Justice  
and Sitting Judges*

# Judges' Strength, Analysis of Working Strength of Judges

<b>Judges' Strength (As on 31.12.2023)</b>	
Sanctioned Strength of Judges	25
Working Strength of Judges	18
<b>Analysis of working strength of Judges (from 01.07.2023 to 31.12.2023)</b>	
Minimum	18
Maximum	20

Judges' Strength



Hon'ble The Acting Chief Justice  
**S. Chandrashekar**



Hon'ble Mr. Justice  
**Sujit Narayan Prasad**



Hon'ble Mr. Justice  
**Rongon Mukhopadhyay**



Hon'ble Mr. Justice  
**Ratnakar Bhengra**



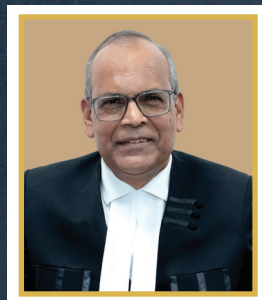
Hon'ble Mr. Justice  
**Ananda Sen**



Hon'ble Dr. Justice  
**S. N. Pathak**



Hon'ble Mr. Justice  
**Rajesh Shankar**



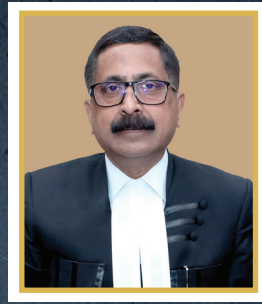
Hon'ble Mr. Justice  
**Anil Kumar Choudhary**



Hon'ble Mr. Justice  
**Rajesh Kumar**



Hon'ble Mrs. Justice  
**Anubha Rawat Choudhary**



Hon'ble Mr. Justice  
**Sanjay Kumar Dwivedi**



Hon'ble Mr. Justice  
**Deepak Roshan**



Hon'ble Mr. Justice  
**Subhash Chand**



Hon'ble Mr. Justice  
**Gautam Kumar Choudhary**



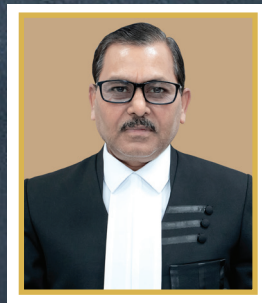
Hon'ble Mr. Justice  
**Ambuj Nath**



Hon'ble Mr. Justice  
**Navneet Kumar**



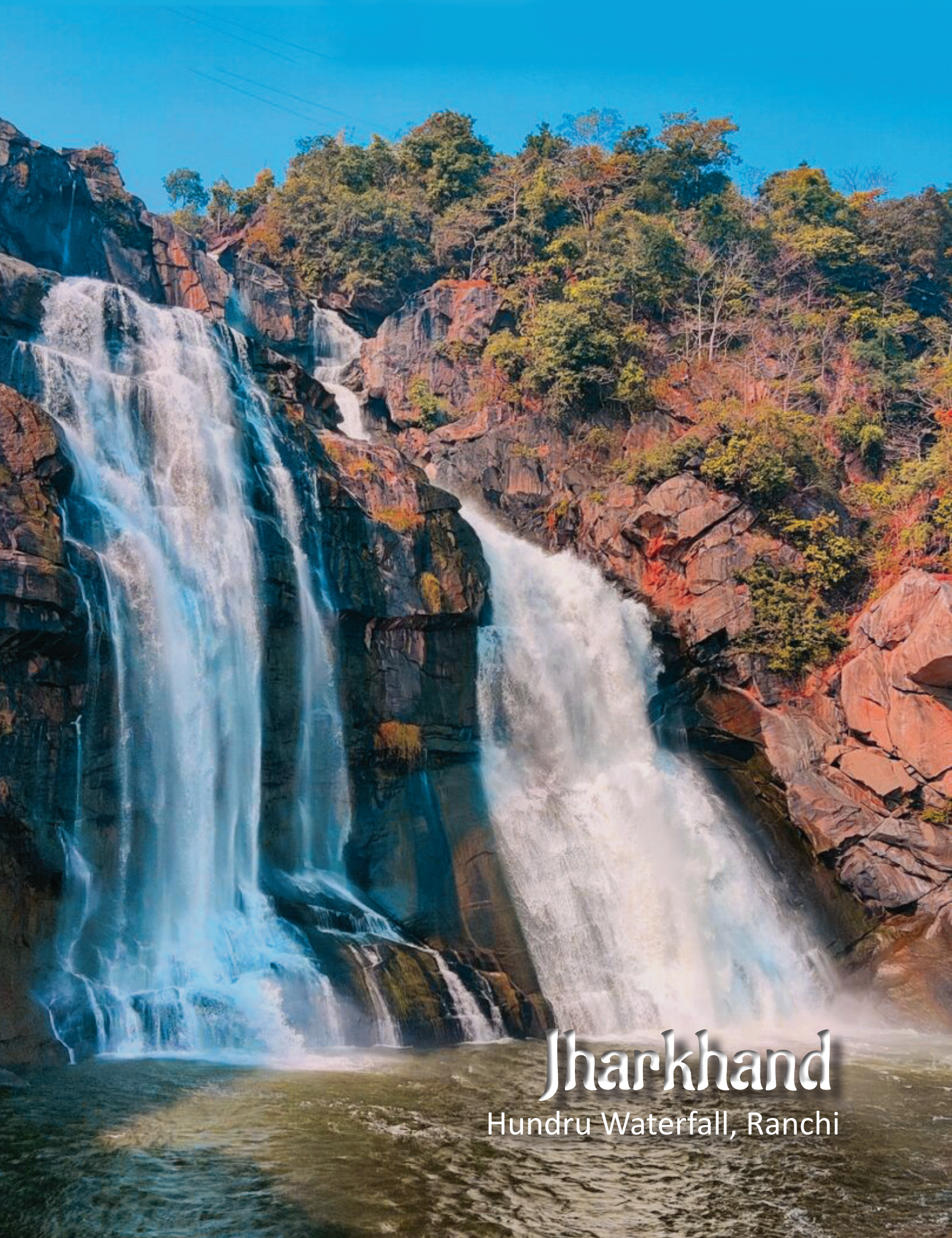
Hon'ble Mr. Justice  
**Sanjay Prasad**



Hon'ble Mr. Justice  
**Pradeep Kumar Srivastava**



Hon'ble Mr. Justice  
**Arun Kumar Rai**

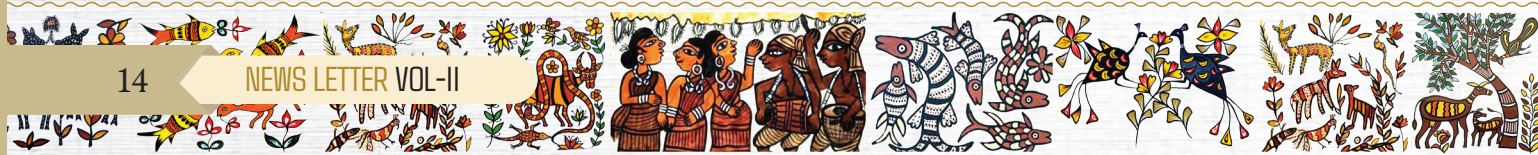


Jharkhand  
Hundru Waterfall, Ranchi

# Administrative Committees

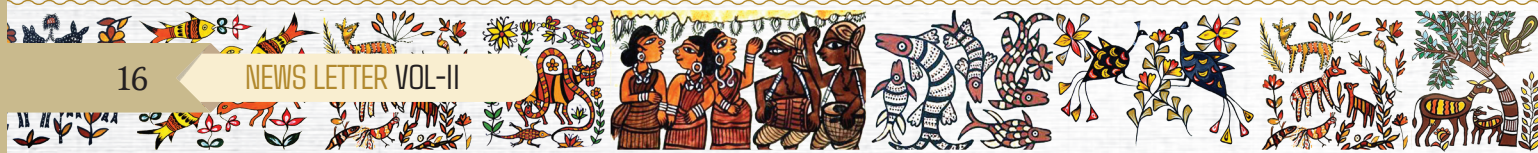
SL. NO.	NAME OF HON'BLE COMMITTEES	HON'BLE CHAIRMAN AND HON'BLE MEMBERS OF THE COMMITTEES
1	Committee for High Court Guest House & Judicial Officers Guest House	(i) Hon'ble Mr. Justice Ratnaker Bhengra, Chairman (ii) Hon'ble Mr. Justice Ananda Sen, Member (iii) Hon'ble Mr. Justice Rajesh Kumar, Member
2	Committee for Service Conditions of the District Judiciary (CSCDJ) in light of judgment dated 04.01.2024 passed by Hon'ble Supreme Court of India in Writ Petition (Civil) No. 643 of 2015, for observing the implementation of the recommendations of SNJPC (as approved by Hon'ble Supreme Court)	(i) Hon'ble Mr. Justice Rajesh Shankar, Chairperson (ii) Hon'ble Mr. Justice Navneet Kumar, Member (iii) The Registrar General, High Court of Jharkhand, who shall serve as an ex-officio Secretary of the Committee (iv) The Principal Secretary-cum-Legal Remembrancer, Law Department, Government of Jharkhand, Member (v) Mr. Sheo Narayan Singh, retired Principal District Judge, who shall act as a nodal officer for the day-to-day redressal of grievances.
3	Hon'ble Computer and Digitization Committee	(i) Hon'ble Mr. Justice Ananda Sen, Chairman (ii) Hon'ble Mr. Justice Rajesh Shankar, Member (iii) Hon'ble Mr. Justice Anil Kumar Choudhary, Member
4	Indian Law Report (ILR) and e-Digital Law Report Committee	(i) Hon'ble Mr. Justice Sujit Narayan Prasad, Chairman (ii) Hon'ble Dr. Justice Shiva Nand Pathak, Member (iii) Hon'ble Mr. Justice Anil Kumar Choudhary, Member
5	Review Committee	(i) Hon'ble Mr. Justice Sujit Narayan Prasad, Chairman (ii) Hon'ble Mr. Justice Anil Kumar Choudhary, Member
6	Establishment Committee	(i) Hon'ble Mr. Justice Sujit Narayan Prasad, Chairman (ii) Hon'ble Mr. Justice Rongon Mukhopadhyay, Member (iii) Hon'ble Mr. Justice Anil Kumar Choudhary, Member (iv) Hon'ble Mrs. Justice Anubha Rawat Choudhary, Member (v) Hon'ble Mr. Justice Ambuj Nath, Member
7	Finance Committee	(i) Hon'ble Mr. Justice Sujit Narayan Prasad, Chairman (ii) Hon'ble Mr. Justice Rongon Mukhopadhyay, Member (iii) Hon'ble Mr. Justice Ratnaker Bhengra, Member

8	Hon'ble Special Committee for effective implementation of Jharkhand State Civil Courts Officers and Staff (recruitment, promotion, transfer and other service conditions) Rules, 2018 and also for supervision over the High Courts Selection-cum-Promotion Committee comprising of the Registrar General, the Registrar (Establishment) and the Registrar (Vigilance) of this Court for the purpose of selection and promotion of the employees of the Subordinate Courts of the State of Jharkhand in light of Rule 8	<ul style="list-style-type: none"> <li>(i) Hon'ble Mr. Justice Sujit Narayan Prasad, Chairman</li> <li>(ii) Hon'ble Mr. Justice Rongon Mukhopadhyay, Member</li> <li>(iii) Hon'ble Mr. Justice Anil Kumar Choudhary, Member</li> <li>(iv) Hon'ble Mr. Justice Ambuj Nath, Member</li> </ul>
9	Standing Committee under Rule 6 of High Court of Jharkhand Rules, 2001	<ul style="list-style-type: none"> <li>(i) Hon'ble the Acting Chief Justice, Chairman</li> <li>(ii) Hon'ble Mr. Justice Sujit Narayan Prasad, Member</li> <li>(iii) Hon'ble Mr. Justice Rongon Mukhopadhyay, Member</li> <li>(iv) Hon'ble Mr. Justice Ratnaker Bhengra, Member</li> <li>(v) Hon'ble Mr. Justice Anil Kumar Choudhary, Member</li> </ul>
10	Committee for publishing Indian Law Report (ILR) and e-Digital Law Report Jharkhand Series	<ul style="list-style-type: none"> <li>(i) Hon'ble Mr. Justice Sujit Narayan Prasad, Chairman</li> <li>(ii) Hon'ble Dr. Justice S. N. Pathak, Member</li> <li>(iii) Hon'ble Mr. Justice Anil Kumar Choudhary, Member</li> </ul>
11	Accessibility Committee	<ul style="list-style-type: none"> <li>(i) Hon'ble Mr. Justice Ananda Sen, Chairman</li> <li>(ii) The Registrar (Establishment), Member</li> <li>(iii) Shir Md. Fahimuddin Ahmed, Assistant Registrar, Member</li> <li>(iv) Shri Pawan Kumar Singh, Assistant Registrar, Member</li> <li>(v) Assistant Registrar-cum-S.O.-I/c, C.P.C. Section, Member</li> <li>(vi) Shri Ramesh Kumar Rajak, Assistant, Member</li> <li>(vii) Shri Raj Kumar Gupta, Advocate, Member</li> <li>(viii) Shri Ashutosh Prasad Joshi, Advocate, Member</li> </ul>
12	Allotment Committee- for allotment of Advocate's chamber	<ul style="list-style-type: none"> <li>(i) Hon'ble Mr. Justice Rongon Mukhopadhyay, Chairman</li> <li>(ii) Hon'ble Dr. Justice S.N. Pathak, Member</li> <li>(iii) Hon'ble Mr. Justice Anil Kumar Choudhary, Member</li> <li>(iv) Ritu Kumar, President, Advocates Association, Member</li> <li>(v) Navin Kumar, General Secretary, Advocates Association, Member</li> </ul>



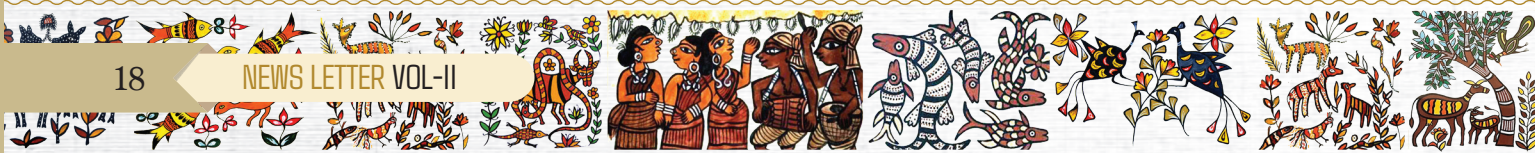
13	Committee for the purpose of election and promotion of employees of the Subordinate Courts of the state of Jharkhand in terms of the Rule 8 (A) and 8 (B) of the Jharkhand State Civil Courts Officers and Staff (recruitment, promotion, transfer and other service conditions) Rules, 2018	<ol style="list-style-type: none"> <li>1. The Registrar General</li> <li>2. The Registrar (Establishment)</li> <li>3. The Registrar (Vigilance)</li> </ol>
14	Security Committee	<ol style="list-style-type: none"> <li>(i) Hon'ble Mr. Justice Sujit Narayan Prasad, Chairman</li> <li>(ii) Hon'ble Mr. Justice Anil Kumar Choudhary, Member</li> <li>(iii) Hon'ble Mr. Justice Sanjay Prasad, Member</li> <li>(iv) The Principal Secretary Home, Jail &amp; Disaster Management, Govt. of Jharkhand, Member</li> <li>(v) The Director General of Police, State of Jharkhand, Member</li> <li>(vi) The Registrar General, High Court of Jharkhand, Member</li> <li>(vii) The Judicial Commissioner, Ranchi, Member</li> <li>(viii) The Chairman, Jharkhand State Bar Council, Member</li> </ol>
15	State Court Management System (SCMS) Committee	<ol style="list-style-type: none"> <li>(i) Hon'ble Mr. Justice, Rongon Mukhopadhyay, Chairman</li> <li>(ii) Hon'ble Mr. Rajesh Shankar, Member</li> <li>(iii) Hon'ble Mr. Justice Anil Kumar Choudhary, Member</li> <li>(iv) Smt. Nivedita Kundu, Advocate, Member</li> </ol>
16	Advocates' Grievance Redressal Committee in the High Court	<ol style="list-style-type: none"> <li>(i) Hon'ble the Chief Justice , Chairman</li> <li>(ii) Hon'ble Mr. Justice Rongon Mukhopadhyay, Member</li> <li>(iii) Hon'ble Mr. Justice Anil Kumar Choudhary, Member</li> <li>(iv) The Advocate General, State of Jharkhand, Member</li> <li>(v) The Chairman, Jharkhand State Bar Council, Member</li> <li>(vi) The President, Advocates' Association, High Court of Jharkhand, Ranchi., Member</li> </ol>
17	Newsletter Publishing Committee for publication of Newsletter/Annual Report	<ol style="list-style-type: none"> <li>(i) Hon'ble Mr. Justice Rajesh Shankar, Chairman</li> <li>(ii) Hon'ble Mr. Justice Rajesh Kumar , Member</li> <li>(iii) Hon'ble Mrs. Justice Anubha Rawat Choudhary, Member</li> </ol>

18	Committee to examine and suggest the best use of the existing furniture, fixtures, display boards etc	(i) Hon'ble Mr. Justice Rongon Mukhopadhyay, Chairman (ii) Hon'ble Dr. Justice S. N. Pathak, Member (iii) Hon'ble Mr. Justice A. K. Choudhary, Member
19	Jharkhand High Court Building Committee	(i) Hon'ble Mr. Justice Rongon Mukhopadhyay, Chairman (ii) Hon'ble Dr. Justice S. N. Pathak, Member (iii) Hon'ble Mr. Justice Anil Kumar Choudhary, Member (iv) Hon'ble Mrs. Justice Anubha Rawat Choudhary, Member (v) Hon'ble Mr. Justice Sanjay Prasad, Member
20	Hon'ble Committee for consideration upon the matter regarding engagement of 25 (twenty-five) Law Researchers/ Research Associates in this Court	(i) Hon'ble Mr. Justice Navneet Kumar, Chairman (ii) Hon'ble Mr. Justice Arun Kumar Rai, Member
21	Arrears Committee	(i) Hon'ble Mr. Justice Sujit Narayan Prasad, Chairman (ii) Hon'ble Mr. Justice Rongon Mukhopadhyay, Member (iii) Hon'ble Mr. Justice Rajesh Kumar, Member
22	Sports Committee	(i) Hon'ble Mr. Justice Rongon Mukhopadhyay, Chairman (ii) Hon'ble Mr. Justice Ratnaker Bhengra, Member (iii) Hon'ble Mr. Justice Ananda Sen, Member (iv) Hon'ble Mr. Justice Deepak Roshan, Member
23	High Court Rules Committee	(i) Hon'ble Mr. Justice S. N. Prasad, Chairman (ii) Hon'ble Mr. Justice Rajesh Shankar, Member (iii) Hon'ble Mr. Justice Anil Kumar Choudhary, Member
24	Hon'ble the State Level Committee for Monitoring Infrastructure of subordinate Judiciary.  High Level Committee (HCL) for monitoring pace, progress and implementation of the Centrally Sponsored Schemes (CSS) Projects.	(i) Hon'ble Mr. Justice Sujit Narayan Prasad, Portfolio Judge, Chairman (ii) Hon'ble Mr. Justice Rongon Mukhopadhyay, Member (iii) Hon'ble Mr. Justice Ananda Sen, Member (iv) Registrar General, High Court of Jharkhand, Member (v) Principal Secretary, Law (Judicial) Department, Member (vi) Secretary, Building Construction Department, Member



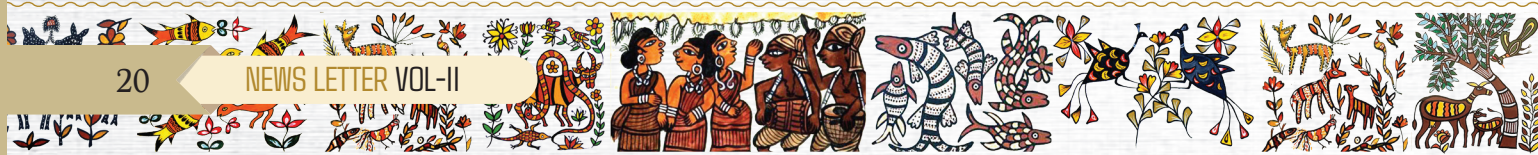
25	Rules Committee in terms of section 123 of Code of Civil Procedure, 1908	(i) Hon'ble Mr. Justice Rongon Mukhopadhyay, President (ii) Hon'ble Mr. Justice Anil Kumar Choudhary, Member (iii) Hon'ble Mr. Justice Ambuj Nath, Member (iv) Judicial Commissioner, Ranchi (v) Mr. V. P. Singh. Senior Advocate, Member (vi) Mr. Pandey Neeraj Rai, Advocate, Member, who will act as Secretary of the Committee.
26	Artificial Intelligence Committee	(i) Hon'ble Mr. Justice S.N. Prasad, Chairman (ii) Hon'ble Mr. Justice Ananda Sen, Member (iii) Hon'ble Mr. Justice Rajesh Shankar, Member (iv) Hon'ble Mr. Justice S. K. Dwivedi, Member
27	Juvenile Justice –cum-POCSO Committee	(i) Hon'ble Mr. Justice Sujit Narayan Prasad, Chairman (ii) Hon'ble Mr. Rongon Mukhopadhyay, Member (iii) Hon'ble Mr. Justice Anil Kumar Choudhary, Member (iv) Hon'ble Mrs. Justice Anubha Rawat Choudhary, Member
28	Committee to exclusively monitor all machine translation related activities	(i) Hon'ble Mr. Justice Sujit Narayan Prasad, Chairman (ii) Hon'ble Mr. Justice Navneet Kumar, Member <b>Assisted by: -</b> Central Project Coordinator
29	Standing Appeal Committee	(i) Hon'ble Mr. Justice Rongon Mukhopadhyay, Chairman (ii) Hon'ble Mrs. Justice Anubha Rawat Choudhary, Member (iii) Hon'ble Mr. Justice Pradeep Kumar Srivastava, Member
30	Committee for Sensitization of Family Court Matters	(i) Hon'ble Mr. Justice S. Chandrashekhar, Chairman (ii) Hon'ble Dr. Justice S. N. Pathak, Member (iii) Hon'ble Mr. Justice Rajesh Shankar, Member (iv) Hon'ble Mrs. Justice Anubha Rawat Choudhary, Member
31	State Level Mediation Monitoring Committee	(i) Hon'ble Mr. Justice S. Chandrashekhar, Chairman (ii) Hon'ble Dr. Justice S. N. Pathak, Member (iii) Hon'ble Mr. Justice Rajesh Shankar, Member (iv) Hon'ble Mrs. Justice Anubha Rawat Choudhary, Member
32	Car Committee	(i) Hon'ble Mr. Justice Rongon Mukhopadhyay, Chairman (ii) Hon'ble Mr. Justice Rajesh Shankar, Member (iii) Hon'ble Mr. Justice Navneet Kumar, Member

33	Special Committee for all Medical purposes	<ul style="list-style-type: none"> <li>(i) Hon'ble Mr. Justice Sujit Narayan Prasad, Chairman</li> <li>(ii) Hon'ble Mr. Justice Rongon Mukhopadhyay, Member</li> <li>(iii) Hon'ble Mr. Justice Rajesh Shankar, Member</li> </ul>
34	Hon'ble Committee constituted for effective monitoring relating to seizure, sampling, storage and destruction of Narcotic Drugs and Psychotropic Substances in light of Judgment of Hon'ble Supreme Court of India in the matter of "Union of India vs. Mohan Lal & anr. 92016) 3 scc 379"	<ul style="list-style-type: none"> <li>(i) Hon'ble Mr. Justice Rajesh Shankar, Chairman</li> <li>(ii) Hon'ble Mr. Justice Anil Kumar Choudhary Member</li> </ul>
35	Building & Quarters Allotment Committee	<ul style="list-style-type: none"> <li>(i) Hon'ble Mr. Justice Sujit Narayan Prasad, Chairman</li> <li>(ii) Hon'ble Mr. Justice Rongon Mukhopadhyay, Member</li> <li>(iii) Hon'ble Mr. Justice S.K. Dwivedi, Member</li> </ul>
36	Screening Committees	<p><b>A. Screening Committee for Grant of Financial Up-gradation under ACP to the Judicial Officers of the Civil Judge (Jr. Div.)</b></p> <ul style="list-style-type: none"> <li>(i) Hon'ble Mr. Justice Sujit Narayan Prasad, Chairman</li> <li>(ii) Hon'ble Mr. Justice Anil Kumar Choudhary, Member</li> </ul> <p><b>B. Screening Committee for Grant of Selection Grade/ Super Time Scale to the Judicial Officers</b></p> <ul style="list-style-type: none"> <li>(i) Hon'ble Mr. Justice Sujit Narayan Prasad, Chairman</li> <li>(ii) Hon'ble Mr. Justice Anil Kumar Choudhary, Member</li> <li>(iii) Hon'ble Mr. Justice Gautam Kumar Choudhary, Member</li> </ul> <p><b>C. Screening Committee for evaluation of Judicial Officers under 74(B)</b></p> <ul style="list-style-type: none"> <li>(i) Hon'ble Mr. Justice Sujit Narayan Prasad, Chairman</li> <li>(ii) Hon'ble Mr. Justice Anil Kumar Choudhary, Member</li> <li>(iii) Hon'ble Mr. Justice Gautam Kumar Choudhary, Member</li> </ul>



37	A.C.R. Committee	<ul style="list-style-type: none"> <li>(i) Hon'ble Mr. Justice S. Chandrashekar, Chairman</li> <li>(ii) Hon'ble Mr. Justice Sujit Narayan Prasad, Member</li> <li>(iii) Hon'ble Mr. Justice Dr. S.N. Pathak, Member</li> <li>(iv) Hon'ble Mr. Justice Anil Kumar Choudhary, Member</li> <li>(v) Hon'ble Mr. Justice S.K. Dwivedi, Member</li> </ul>
38	Committee to advise the NCMS Committee of Supreme Court of India	<ul style="list-style-type: none"> <li>(i) Hon'ble Mr. Justice S. Chandrashekar, Chairman</li> <li>(ii) Hon'ble Mr. Justice Sujit Narayan Prasad, Member</li> <li>(iii) Hon'ble Mr. Justice Anil Kumar Choudhary, Member</li> <li>(iv) Principal Secretary, Department of Finance, State of Jharkhand, Member</li> <li>(v) Principal Secretary, Department of Personnel Administrative Reforms &amp; Raj Bhasha, State of Jharkhand, Member</li> <li>(vi) Principal Secretary, Department of Building Construction, State of Jharkhand, Member</li> <li>(vii) Registrar General, Member</li> <li>(viii) Law Secretary, State of Jharkhand, Member</li> <li>(ix) Director, Judicial Academy, Member</li> <li>(x) Central Project Coordinator, Member</li> <li>(xi) Judicial Commissioner, Ranchi from the cadre of Principal District Judge, Member</li> </ul>
39	Old Article including furniture disposal Committee	<ul style="list-style-type: none"> <li>(i) Hon'ble Mr. Justice Sujit Narayan Prasad, Chairman</li> <li>(ii) Hon'ble Mr. Justice Rongon Mukhopadhyay, Member</li> </ul>

40	Committee that can periodically oversee the progress of the cases related with implementation of the provisions of the (Prohibition of sex selection) Act, 1994 and The Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Rules, 1996	(i) Hon'ble Mr. Justice R. Mukhopadhyay, Chairman (ii) Hon'ble Mrs. Justice Anubha Rawat Choudhary, Member
41	Committee of Library/to prepare a complete scheme for establishing the Indian Law Reports Jharkhand Series Section in the High Court	(i) Hon'ble Mr. Justice Rongon Mukhopadhyay, Chairman (ii) Hon'ble Mr. Justice Dr. S. N. Pathak, Member (iii) Hon'ble Mr. Justice Rajesh Kumar, Member
42	Hon'ble the Specially Constituted Sub-Committee for taking up the matter of Transfer of Class III and Class IV Employees of the Subordinate Courts	(i) Hon'ble Mr. Justice Sujit Narayan Prasad, Chairman (ii) Hon'ble Mr. Justice Rongon Mukhopadhyay, Member (iii) Hon'ble Mr. Justice Deepak Roshan, Member
43	Hon'ble the Special Committee for consideration of the matter of recruitment against various Class-III & IV posts of the Court	(i) Hon'ble Mr. Justice Sujit Narayan Prasad, Chairman (ii) Hon'ble Mr. Justice Rongon Mukhopadhyay, Member (iii) Hon'ble Mr. Justice Anil Kumar Choudhary, Member
44	Hon'ble Vulnerable Witness Deposition Centre Committee	(i) Hon'ble Mr. Justice Rongon Mukhopadhyay, Chairman (ii) Hon'ble Mr. Justice Dr. Shiva Nand Pathak, Member (iii) Hon'ble Mr. Justice Gautam Kumar Choudhary, Member



45	Hon'ble High Court of Jharkhand Gender Sensitization & Internal Complaints Committee (HCJGSICC)	<ul style="list-style-type: none"> <li>(i) Hon'ble Mrs. Justice Anubha Rawat Choudhary, Chairperson</li> <li>(ii) Hon'ble Mr. Justice Navneet Kumar, Member,</li> <li>(iii) Ms. M.M.Pal, Member,</li> <li>(iv) Ms. Darshana Poddar Mishra, Member</li> <li>(v) Ms. Priti Srivastava, Member</li> <li>(vi) Dr. Ram Singh, Member</li> <li>(vii) Ms. Tanvee, Member Secretary, Member</li> </ul>
46	Hon'ble the Special Committee for the purpose of Direct Recruitment of Court Managers for Civil Courts of the State of Jharkhand	<ul style="list-style-type: none"> <li>(i) Hon'ble Mr. Justice Sujit Narayan Prasad, Chairman</li> <li>(ii) Hon'ble Mr. Justice Gautam Kumar Choudhary, Member</li> </ul>
47	Specially Constituted Selection/ Appointment Committee [for promotion in the District Judge Cadre from the officers of the rank of Civil Judge (Sr. Div.)]	<ul style="list-style-type: none"> <li>(i) Hon'ble Mr. Justice Sujit Narayan Prasad, Chairman</li> <li>(ii) Hon'ble Mr. Justice Rajesh Kumar, Member</li> <li>(iii) Hon'ble Mr. Justice Gautam Kumar Choudhary, Member</li> </ul>
48	Hon'ble The Committee (for deciding reservation policy in Jharkhand Superior Judicial Service)	<ul style="list-style-type: none"> <li>(i) Hon'ble Mr. Justice S. Chandrashekhar, Chairman</li> <li>(ii) Hon'ble Mr. Justice Rongon Mukhopadhyay, Member</li> <li>(iii) Hon'ble Mr. Justice Ratnaker Bhengra, Member</li> <li>(iv) Hon'ble Mr. Justice Anil Kumar Choudhary, Member</li> <li>(v) Hon'ble Mr. Justice Navneet Kumar, Member</li> </ul>



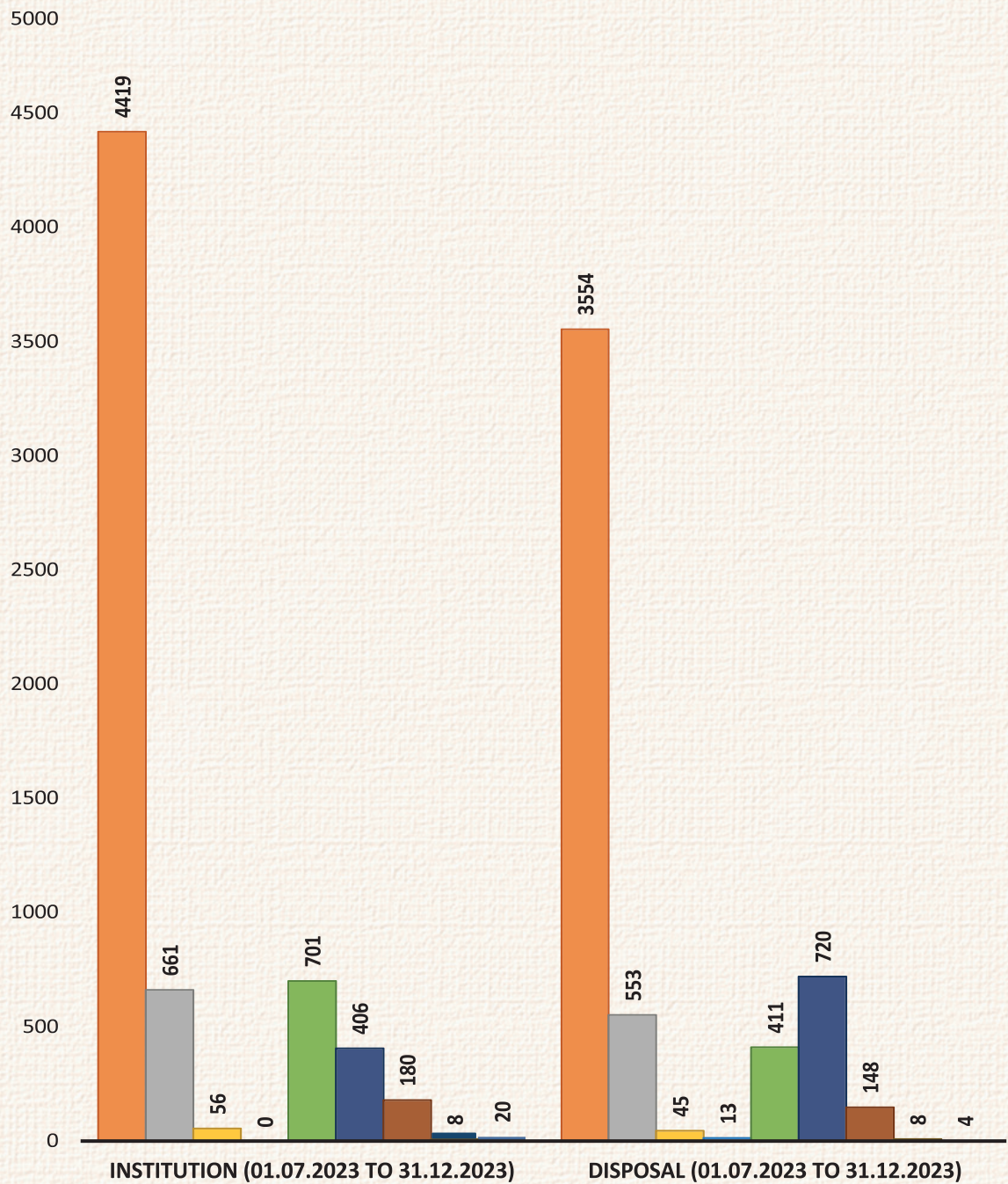
# High Court Statistics

## Institution Disposal and Pendency from 01.07.2023 to 31.12.2023

Category	Pendency as on 01.07.2023	Institution (01.07.2023 to 31.12.2023)	Disposal (01.07.2023 to 31.12.2023)	Pendency as on 31.12.2023
<b>CIVIL</b>				
Writ Petition (Articles 226 & 227)	23193	4419	3554	24058
Contempt (Civil)	1850	661	553	1958
Civil Review	322	56	45	333
Arbitration Appeal	36	0	13	23
Civil Misc. Petition	2614	701	411	2904
Letters Patent Appeal	1723	406	720	1409
Misc. Appeal	2529	180	148	2561
Tax Appeal	218	8	8	218
Civil Revision	180	20	4	196
<b>CRIMINAL</b>				
Writ Petition (Articles 226 & 227)	810	852	707	955
Criminal Revisions	4704	852	844	4712
Bail Applications	1941	6584	5874	2651
Anticipatory Bail Application	4313	5357	6466	3204
Criminal Appeals (DB)	13086	1224	405	13905
Criminal Appeals (SJ)	11584	474	441	11617
Death Sentence Reference	24	1	2	23
Contempt (Criminal)	27	5	4	28
Misc. Criminal applications	10405	2106	3050	9461



Nature wise (CIVIL) Comparative Analysis between Institution and Disposal for the period starting from 01.07.2023 to 31.12.2023

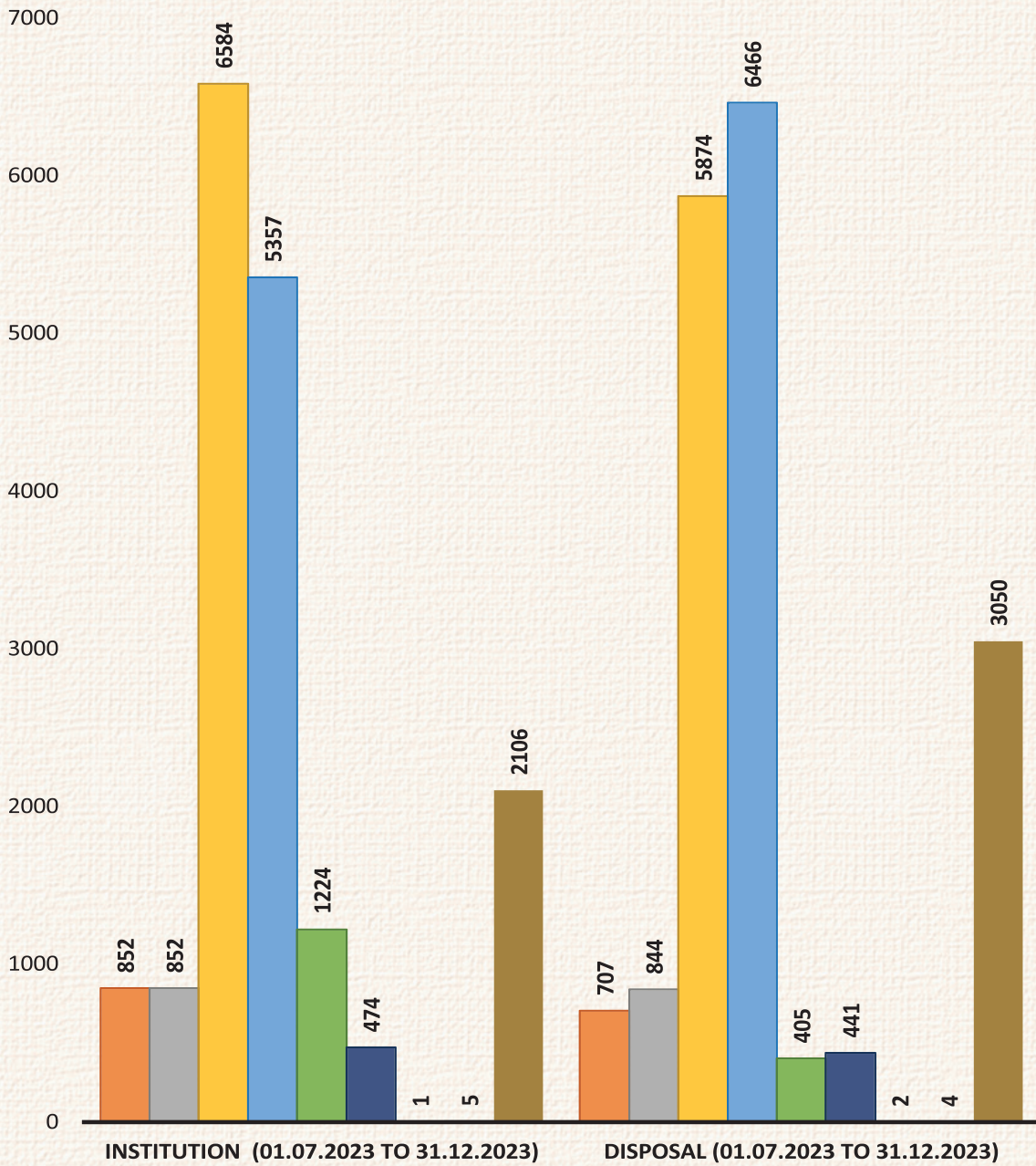


Nature wise (CIVIL)



Nature wise (CRIMINAL) Comparative Analysis between Institution and Disposal for the period starting from 01.07.2023 to 31.12.2023

Nature wise (CRIMINAL)



Writ Petition (Articles 226 & 227)

Criminal Revisions

Bail Applications

Anticipatory Bail Application

Criminal Appeals (DB)

Criminal Appeals (SJ)

Death Sentence Reference

Contempt (Criminal)

Misc. Criminal applications

# *Human Resource*

# Jharkhand

Patratu Valley, Ramgarh



***Sanctioned Strength and Working Strength Position of Class I,  
II, III & IV of the High Court of Jharkhand,  
Ranchi as on 31.03.2024.***

Sl. No.	Name of the post	Total Sanctioned Strength	Total Working Strength	Vacancy
1	Registrar (Establishment)	01	01	00
2	Joint Registrar (Non-Judicial)	03	03	00
3	Deputy Registrar (Non-Judicial)	08	08	00
4	DR-cum-PPS to Hon'ble The Chief Justice	01	00	01
5	Senior Secretary to Hon'ble Judges	05	05	00
6	Court Manager	02	02	00
7	Secretary to Hon'ble Judges	25	25	00
8	Assistant Registrar (Non-Judicial)	75	72	03
9	Court Master	25	25	00
10	Deputy Director (Translation)	01	01	00
11	Section Officer + Oath Commissioner + Stamp Reporter	155	154	01
12	Senior Personal Assistant	35	31	04
13	Translation Officer	01	01	00
14	Personal Assistant	62	42	20
15	Assistant	304	249	55
16	Legal Assistant	29	12	17
17	Cashier	01	01	00
18	Translator	2+20 <sup>^</sup>	00	22
19	Assistant Librarian	01	01	00
20	Junior Translator	01	01	00
21	Typist	10	07	03
22	Ex-Cadre Assistant	7+25 <sup>*</sup>	02	30
23	Assistant Court Officer	01	00	01

24	Staff Car Driver	43	39	04
25	Treasury Sarkar	01	00	01
26	Xerox Operator	04	02	02
27	Fax Operator	01	01	00
28	Mali	07	06	01
29	Jamadar	53	51	02
30	Cook	31	20	11
31	Record Supplier	01	01	00
32	Generator Operator	01	00	01
33	Daftari	03	02	01
34	Chaukidar	03	03	00
35	Faras	13	04	09
36	Sweeper	22	12	10
37	Water Supplier	04	03	01
38	Peon	171	105	66
39	Pass Distributor	01	01	00
	<b>Total</b>	<b>1159</b>	<b>893</b>	<b>266</b>

**:- State Government has sanctioned 20 (twenty) number of posts of Translator vide Memo No. 2(C)/Nya.-Pad Srijan-10/2023- 658/J. Ranchi dated 13.03.2024.**

**\* :- State Government has sanctioned 25 (twenty five) number of posts of Ex-cadre Assistants vide Memo No. B./Vidhi-Stha.-Pad Srijan-52/2017- 660/ J. Ranchi dated 13.03.2024.**

**Note 1: 16 posts of Peon & Generator Operators are to be filled by direct recruitment vide Adv. No. 03/Sthapana/2018.**

**Note 2: 38 posts of Peon, 10 posts of Sweeper, 09 posts of Faras and 06 posts of Cook are to be filled by direct recruitment vide Adv. No. 02/ Sthapna/ 2023.**

**Note 3: 55 posts of Assistants are to be filled by direct recruitment vide Adv. No. 01 / Accts./ 2024.**



*Officers  
Of  
The Registry*

# Jharkhand

Dalma Wildlife, Jamshedpur



# Officers Of The Registry

## HIGH COURT OF JHARKHAND

Sl No.	Name and Designation of Officer	EPABX Extension	Mobile Number
<b>REGISTRAR GENERAL &amp; REGISTRARS</b>			
1.	<b>Sri Mohammad Shakir</b> Registrar General	2972	9431115615 7070992015
2.	<b>Sri Nikesh Kumar Sinha</b> Registrar Administration	3076	9431101467
3.	<b>Sri Sanjay Kumar</b> Member Secretary, SCMS	3116	9471590269
4.	<b>Sri Kaushal Kishore Jha</b> Registrar Establishment	2968	9431101468 7070992016
5.	<b>Sri Ravi Ranjan</b> Registrar Vigilance	2971	9471738128 7070991197
6.	<b>Sri Biresh Kumar,</b> Central Project Coordinator, e-Courts Project, JHC	3114	7070991198 9431707255
<b>JOINT REGISTRARS (JUDICIAL SIDE)</b>			
7.	<b>Sri Sanjay Kumar Singh no.-1</b> Joint Registrar (Judicial)	3117	9431106597 7070992020
8.	<b>Sri Debashish Mohapatra</b> Joint Registrar (List & Computer)	2993	7070992019 9431101469
9.	<b>Md. Faheem Kirmani</b> Joint Registrar Establishment	2973	9431115617 7070992017
10.	<b>Sri Anjane Anuj</b> OSD, JHC		

**JOINT REGISTRARS (NON JUDICIAL SIDE)**

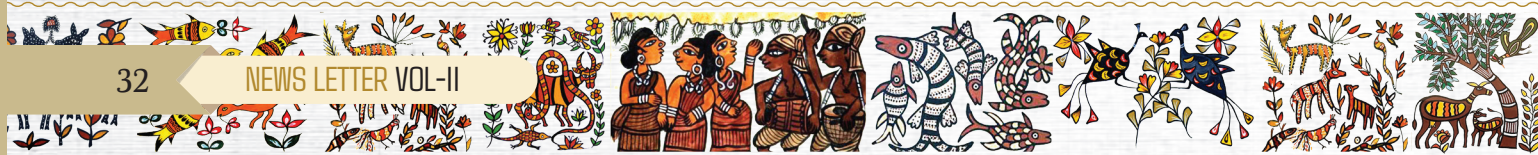
11.	<b>Sri Gopal Jha</b> Joint Registrar/Admin-I/PPS i/c to the Hon'ble the Chief Justice	2946	9431706858
12.	<b>Sri Sushil Kumar Mishra</b> Joint Registrar Admin-II	3147	9431104522
13.	<b>Sri Krishna Murari Tiwari</b> Joint Registrar Admin-III	3148	9431706849

**DEPUTY REGISTRARS (JUDICIAL SIDE)**

14.	<b>Sri Shivendu Dwivedi</b> Deputy Registrar Dedicated Cell	2983	8987788438
15.	<b>Ms. Tanvee</b> Deputy Secretary, SCMS Secretariat	3118	7070992022

**ASSISTANT REGISTRAR (JUDICIAL SIDE)**

16.	<b>Sri Prashant Gupta</b> Assistant Registrar (Judicial)/OSD to Hon'ble the Chief Justice	3104	8757718555
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# *News & Events*

# Jharkhand

Dewri Temple, Ranchi



## NEWS & EVENTS HIGH COURT OF JHARKHAND

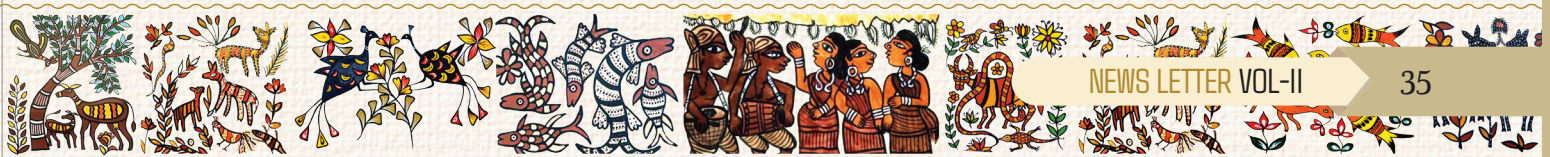
### A. Jharkhand State Multi-stakeholders Consultation on Children In Conflict With Law (CICL) in collaboration with UNICEF Jharkhand (12.08.2023)



The Juvenile Justice -cum- POCSO Committee, Jharkhand High Court, in association with Department of Women, Child Development and Social Security, Government of Jharkhand and in collaboration with UNICEF organized the Jharkhand State Multi -Stakeholders Consultation on “Children in Conflict with Law (Prevention, Restorative Justice, Diversion and Alternatives to Detention)” at Dr. APJ Abdul Kalam

Auditorium, Judicial Academy Jharkhand on 12.08.2023. The Consultation was aimed to address the challenges faced by CICL who find themselves entangled in the legal system, emphasizing preventive measures, restorative justice, diversion and alternatives to detention.

Emphasizing preventive measures, restorative justice, diversion and alternatives to detention.





It was organized under the aegis of Child Welfare Committee, Hon'ble Supreme Court of India, and was graced by Hon'ble Judges of the Jharkhand High Court, Registry Members, senior bureaucrats from Department of Home, Health, Education, Women, Child Development, JHALSA, Judicial Academy, Members of the Bar, UNICEF, Child Rights Experts, Academicians and other distinguished dignitaries. Four hundred participants, including Judicial Officers, D.C., D.D.C, S.P., CID Officers, Nodal Officers of Special Juvenile Police Unit, Civil Surgeons, DSWO, CWC, State Forensic Science Laboratory, members of UNICEF, Principals, Vice-

Principals, etc. Further, law students of NUSRL and Chotanagpur Law College, Ranchi were present as volunteers.

The event was graced by Hon'ble Mr. Justice Sanjaya Kumar Mishra, the then Chief Justice, High Court of Jharkhand as the Chief Guest, Hon'ble Justice Sujit Narayan Prasad, Chairperson of the Juvenile Justice-cum-POCSO Committee, as Guest of Honour and Hon'ble Mr. Justice Anil Kumar Choudhary, Judge and Member of the Juvenile Justice-cum-POCSO Committee as Special Guest. The event was also graced by Hon'ble Mr. Justice S. Chandrashekhar and other Hon'ble judges of this High Court.





A magnificent Children's Art Exhibition cum Sale was also inaugurated by the then Hon'ble the Chief Justice, in which over 675 exhibit items were prepared by the children of Child Care Institutions (CCIs). Special attention was given to ensuring that the proceeds from the sales were equitably distributed among the respective children. This was followed by three Technical Sessions which focused on (i) Prevention of Child Offending, Diversion, Alternatives to Detention and Non-custodial Alternatives. (ii) Right to Fair Trial and Child Friendly

Procedures, and Minimum Age of Criminal Responsibility and Preliminary Assessment; and (iii) Rehabilitation and Restorative Practices.

In evening, a Cultural Programme, was organized in which over a hundred children from CCIs showcased their talents through diverse performances such as songs, group dances, skits, and speeches, all filled with tremendous enthusiasm. Thereafter, these children were felicitated with mementos, school bags, stationery, and coloring kits as tokens of appreciation. The Programme



was a huge success for the High Court as well as the State of Jharkhand, which paved the way for execution of ideas and proposals discussed in deliberations by the stakeholders.



## B. High Court Introduces E-Seva Kendra-Cum-Help Desks (22.08.2023)

The High Court of Jharkhand unveiled two innovative 'e-seva kendra-cum-help desks' within its premises on 22.08.2024 with the aim to enhance accessibility and simplifying legal proceedings. These newly established help desks are strategically situated at the entrances of the advocates Block I and II buildings within the Court premises. The desks have been specifically designed to offer comprehensive assistance to litigants and visitors in navigating the intricacies of e-filing and to address their queries efficiently and to provide crucial information regarding case statuses, upcoming hearing dates, and other pertinent details for both litigants and legal practitioners.



The innovative e-seva kendra-cum-help desks also promise to alleviate the burden associated with traffic challans, ensuring a smoother resolution process and it can also generate 'e-Mulakat' appointments for visitors to conveniently submit applications to meet their incarcerated relatives.

### C. Swachhata Week Celebration at the High Court of Jharkhand (26.09.2023 - 02.10.2023)



A week ahead of 2nd October 2023, i.e. on 26.09.2023, the High Court of Jharkhand launched 'Swachhata Week' in the Court premises. Following the national theme of 'Garbage Free India', High Court took the initiative to not only clean the vast spread of 167 acres of land, but also to reward the sweepers and cleaning staff of this Court for their relentless contribution to keep the grandiose building and premise in sparkling condition. As a part of the swachhata drive, a token of gratitude for their hard work and to acknowledge the spirit of voluntarism and shramdaan, the Class IV cleaning cadre, 'SafaiMitras' were honoured with sweet packets and certificates by Hon'ble the Chief Justice, High Court of Jharkhand. The Registry officers, staff and volunteers all joined hands for this noble cause in which swachhata caps were distributed to one and all.



## D. Jharkhand High Court Soccer League (05.11.2023)

Jharkhand High Court Soccer League (JHCSL - 04) was organized by the Sports Committee of the High Court Jharkhand in the month of November 2023 in which total seven teams participated. JAP ground

'Jharkhand Tigers' and 'Warrior's' team. The close match was witnessed by the Hon'ble Judges, Registry members and massive turn out of employees of the High Court. Finally, the winning trophy was awarded



was used for all league matches including quarter finals and semifinals in which employees of the High Court participated with great vigour and enthusiasm. The Grand Finale was organized at the Football Stadium, Morabadi, Ranchi in which there was an intense competition between

to the Warrior's India team. Shri Nirmalaya Chottopadhyay, from Warrior's team was declared the Man of the Match, while the Man of the Tournament was awarded to Shri Mahavir Kisku of Jharkhand Tigers and the Best Goalkeeper Prize was bagged by Shri Bhupender Sahu of Warrior's team.



### E. Jharkhand High Court Inaugurates Virtual Platform For Remote Hearings (29.11.2023)

A platform for remote Court hearings was virtually inaugurated by Hon'ble Mr. Justice Sanjaya Kumar Mishra, the then Chief Justice, High Court of Jharkhand, Ranchi on 29.11.2023 in the august presence of Hon'ble Judges of the High Court, Advocate General and other dignitaries. This initiative aims to provide access to the High Court from distant locations.

The Computer and Digitization Committee of the Jharkhand High Court has taken a significant step by deciding to open E-Seva Kendra facilities and allowing the use of existing E-Seva Kendra from District Daltonganj, Dumka, and Pakur for virtual court proceedings. This move is expected to enhance accessibility to justice for residents in these areas.

### F. Mega Blood Donation Camp at High Court of Jharkhand, Ranchi (07.12.2023)



A "Mega Blood Donation Camp" was organized on 07.12.2023 at the High Court of Jharkhand by Jharkhand High Court Legal Services Committee, in association with Advocate's Association, High Court of Jharkhand, Sadar Hospital, Ranchi, High Court Employee's Co-operative Society Limited, Jharkhand Thalassemia Foundation and Voluntary Blood Donor Association.

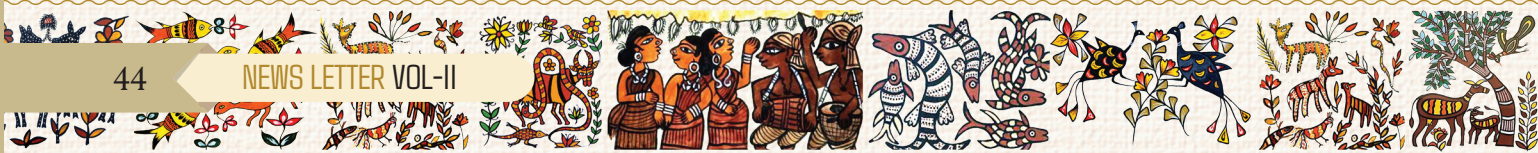
Hon'ble Mr. Justice Sanjaya Kumar Mishra, the then Chief Justice, High Court of Jharkhand was the Chief Guest of the event. The Inaugural ceremony of this Camp was graced by all the Hon'ble Judges of High Court of Jharkhand, Advocate General & Additional Advocate Generals, President, Advocate's Association, DIG, Ranchi, Registry members, Civil Surgeon, Ranchi and many others. Members of the bar, officers and employees of the High Court, police personnel participated in the blood donation camp with immense vigour. A total of 219 units of blood were raised by this noble initiative.



**G. Farewell of Hon'ble Mr. Justice Sanjaya Kumar Mishra, Chief Justice, High Court of Jharkhand (22.12.2023)**



On the last working day before winter vacation, on 22.12.2024, a Full Court Reference for the farewell of the Hon'ble Mr. Justice Sanjaya Kumar Mishra, the 14th Chief Justice, High Court of Jharkhand, was organized in Court Room No. 01 in which the learned members of the Bar, the Bench and the Registry participated. The historic event was also live streamed for those who could not be physically present to witness it.





Farewell Dinner in honour of Hon'ble Mr. Justice Sanjaya Kumar Mishra was also organised. It was an emotional moment for all of us as we bid adieu to our outgoing Chief Justice.





# *Obituary*

# OBITUARY



Late Justice Late K. P. Deo  
01/08/1967- 22/09/2023

“Every man’s life ends the same way. It is only the details of how he lived and how he died that distinguishes one man from another”

Ernest Hemingway

Therefore, true endeavour of every human being should not be to try and live forever but to create something that will last forever. The life and work of Late Justice K. P. Deo has created such an impact and legacy that will continue to inspire all of us and will surely last for a long time to come.

22nd September 2023 was a sad day for Jharkhand High Court as on that day we lost one of our illustrious, efficient and popular judges of this Hon’ble Court and his sudden demise was a great loss

to the Jharkhand High Court as well as the entire judicial fraternity.

Death of any near and dear one is always painful and it gets compounded many folds when life journey is cut short abruptly at a young age. The untimely demise of Justice Deo, who was suffering from a prolonged illness, had plunged his family members, friends, colleagues and well-wishers into a whirlpool of sadness.

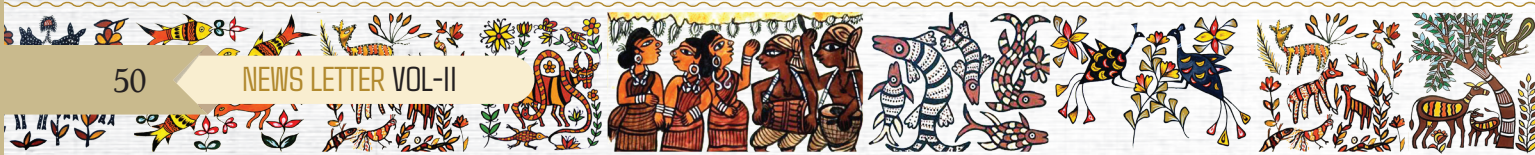
Late Justice K.P. Deo was born on 01st August 1967 at Deoghar. He passed

his matriculation in 1983 and Plus 2 examination in 1985 from Kendriya Vidyalaya, Bokaro. He did his graduation in History (Hons.) from famous Ramjas College, Delhi University in the year 1988. Thereafter he obtained his LL.B Degree from Bihar Institute of Law, Patna and enrolled himself as an advocate on 13.02.1996 with the Bihar State Bar Council. He started his legal practice from Deoghar Civil Court but after a year shifted his practice to the Patna High Court. After creation of the State of Jharkhand in year 2000, Late Justice Deo shifted to Jharkhand High Court and continued his legal practice in civil, criminal and writ matters till his elevation as a Judge. He took oath as an additional judge of this court on 06.01.2018 and was made a permanent judge of this court on 19.12.2019.

Justice Deo was known for delivering quality judgments which provided a deep insight into his thought process,

his years of experience his knowledge and his practical approach. His legal acumen, his kindness and generosity of spirit was always reflected in his judicial pronouncement.

One thing that stood out about Justice Kailash Deo was his infectious smile and his resolute mental toughness. Over the last year, although his health took a turn to the worse and he grew very weak, he never showed people extent of his illness. Justice Deo was built from a different metal. His grace, strength of character and commitment to his judicial duty were inspiring. It is this everlasting inspiring legacy of Late Justice K.P. Deo that will be entrenched in our memories forever and will continue to inspire all of us in time to come. We have lost a fine soul and the world today is poorer without him. We all pray that the departed Soul may rest in eternal peace.



# *Allied Organs*

# Jharkhand

Chandil Dam, Jamshedpur



## ALLIED ORGANS

### JHARKHAND STATE LEGAL SERVICES AUTHORITY

Colloquium on Protecting Child Rights: Legal Perspective and Training  
On 17th September, 2023



On 17th September, State level Colloquium on *“Protecting Child Rights: Legal Perspective and Training”* was organized by Jharkhand State Legal Services Authority, Ranchi, in association with the Department of Women, Child Development and Social Security, Govt of Jharkhand; Kailash Satyarthi Children’s Foundation and Bachpan Bachao Andolan at Dr. A.P.J. Abdul Kalam Auditorium at Judicial Academy Jharkhand.



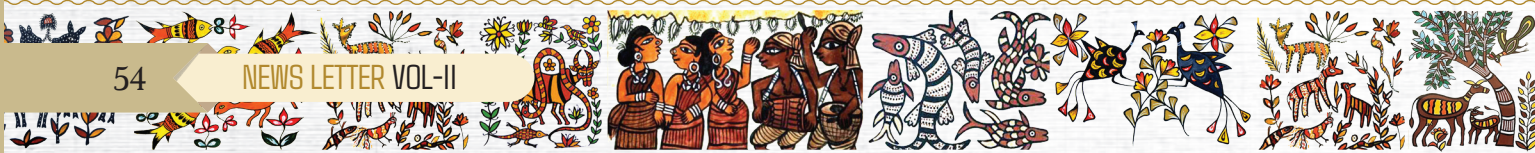
Hon'ble Mr. Justice Sanjay Kishan Kaul, Judge, Supreme Court of India & Executive Chairman, NALSA was the Chief Guest and Hon'ble Mr. Justice Sanjaya Kumar Mishra, the then Chief Justice, High Court of Jharkhand cum Patron-in-Chief, JHALSA was the Guest of Honour at the event. The Colloquium was also attended by Hon'ble Mr. Justice S. Chandrashekar Judge, High Court of Jharkhand & Executive Chairman, JHALSA; Hon'ble Mr. Justice Sujit Narayan Prasad; Hon'ble Mr. Justice Rongon Mukhopadhyay and Hon'ble Judges of High Court of Jharkhand.

The Inaugural Address was delivered by Hon'ble Mr. Justice Sanjay Kishan Kaul, wherein he said that children are the future of the nation and their rights must be safeguarded but unfortunately India and many other countries faces some challenges in this regard, there is a need to address these challenges and

act collectively to protect and upheld their rights. Justice Kaul emphasized that every child regardless of gender, caste, social structure they belong to deserves to be treated with dignity, respect and equality.

The Introductory Address was delivered by Hon'ble Mr. Justice Sanjaya Kumar Mishra, the then Chief Justice, High Court of Jharkhand, who emphasized that protection of child rights was a burning issue and worldwide children are voiceless victims of physical, emotional and sexual violence, and India is not an exception.

While delivering the Opening Address, Hon'ble Mr. Justice Sujit Narayan Prasad, Judge, High Court of Jharkhand said that Children constitute the nation's valuable human resources. The future wellbeing of the nation depends on how its children grow and develop.



The Welcome Address was delivered by Hon'ble Mr. Justice Rongon Mukhopadhyay, Judge, High Court of Jharkhand wherein he thanked all the stakeholders for actively participating in the August gathering.

Towards the end of the Inaugural ceremony, the Vote of thanks was extended by Hon'ble Mr. Justice S. Chandrashekar Judge, High Court of Jharkhand, to all the participants, delegates, resource persons, dignitaries and volunteers for their august presence. Justice S. Chandrashekar lauded Justice Kaul's efforts, thoughts and guidance in legal aid services as an Executive Chairman, NALSA and applauded his benevolent presence.

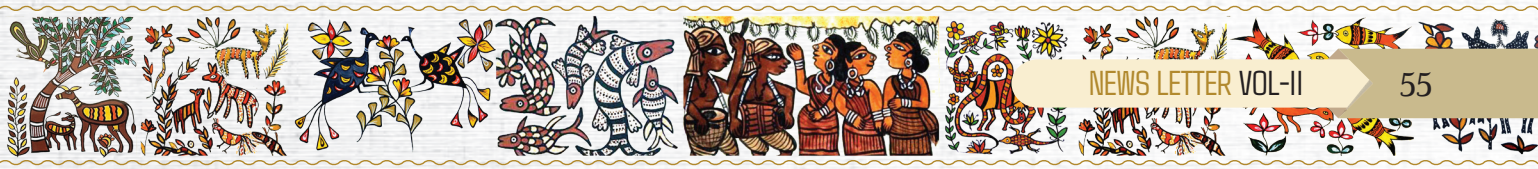
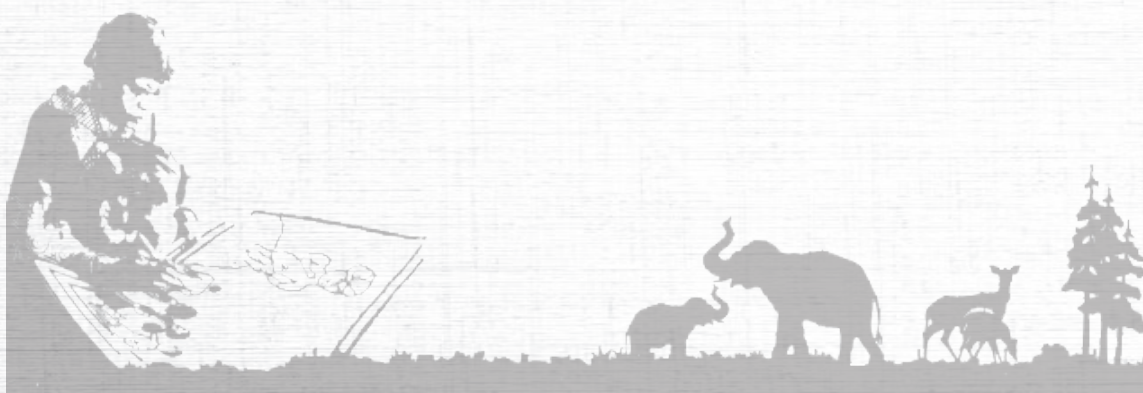
The Inaugural ceremony was followed by four technical sessions on the topic - Schemes and Programmes for development and welfare of vulnerable children in Jharkhand by Sri Kripa Nand Jha, IAS Secretary, Dept. of Women, Child Development & Social Security, Govt. of Jharkhand

The second technical session was on the topic 'The Legal Perspective' by Hon'ble Mr. Justice Ananda Sen, Judge, High Court of Jharkhand and assisted by Shri Manoj Prasad Chairman, Commercial Taxes Tribunal, Ranchi.

The third technical session was on 'Understanding Children and their vulnerability to abuse and exploitation' deliberated upon by Mr. Ravi Kant Senior Advocate, Supreme Court of India & Country Head, KSCF, US.

The last technical session was on the topic 'Preparation of Plan of Action including timeline for sensitization of all the VLCPC members across the state' discoursed upon by Dr. Sangita Gaur Assistant Director (Training and Capacity Building), KSCF, India.

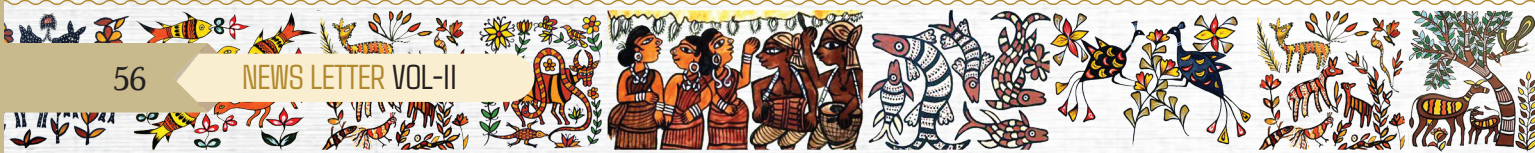
The Colloquium was a huge success in carving out a future course of action in the area of child rights among its respective stakeholders.



**Strengthening Child Protection Eco System at grass root level by imparting Training of 96 Members of Village Level Child Protection Committees (VLCPC) (8th to 9th July, 2023 from JHALSA.)**

**W**ith a view of ensuring protection of child rights and all round development of children in general and Children in need of Care and Protection in particular, JHALSA took initiative for strengthening of Village Level Child Protection Committee (VLCPC) in association with Department of Women Child Development and Social Security, Govt. of Jharkhand and Kailash Satyarthi Children's Foundation and its partner Bachpan Bachao Andolan organized

training of 96 Members of Village Level Child Protection Committees (VLCPC) on 8th to 9th July, 2023 at JHALSA in Virtual Mode. Nominated members of VLCPC from three districts namely Ramgarh, Ranchi and Khunti had attended the aforesaid training in physical mode at JHALSA and participants of rest districts had attended the training in virtual mode from the DLSA office of the respective district.



## **“3 Months Special Mediation Drive”**

**(From 1st July to 30th September, 2023)**

**O**n successful initiative of “Man Ka Milan Pakhwara” (organised from 29th May to 14th June, 2023) by all DLSAs of Jharkhand, His Lordship Hon’ble Executive Chairperson, JHALSA has been pleased to approve the proposal for 3 months’ Special Mediation Drive (from 1st July to 30th September, 2023) for settlement of suitable matters, interalia, as under:

- i) Maintenance including Interim Maintenance Matters,**
- ii) Road Accident Claim including Interim Relief Matters u/s 160 M.V. Act ,**
- iii) Cheque Bounce matters,**
- iv) Suitable matters under Criminal Minor Acts,**
- v) Criminal Compoundable Cases (IPC),**
- vi) D.V. Act Cases,**
- vii) 498 (A) IPC Cases,**
- viii) Electricity Act matters,**
- ix) Excise Act matters,**
- x) Factories Act matters,**
- xi) Weight & Measurement Act matters,**
- xii) Mines and Mineral Act matters,**
- xiii) Forest Act matters,**
- xiv) Railways Act matters,**
- xv) Other suitable matters.**

### **DATA OF CASES SETTLED DURING THE SPECIAL MEDIATION DRIVE**

<b>Pending Matters</b>		<b>Pre-Litigation Matters</b>	
Total No. of cases referred	Total No. of cases Settled	Total No. of cases referred	Total No. of cases Settled
12848	5099	2162	879

## National Lok Adalat

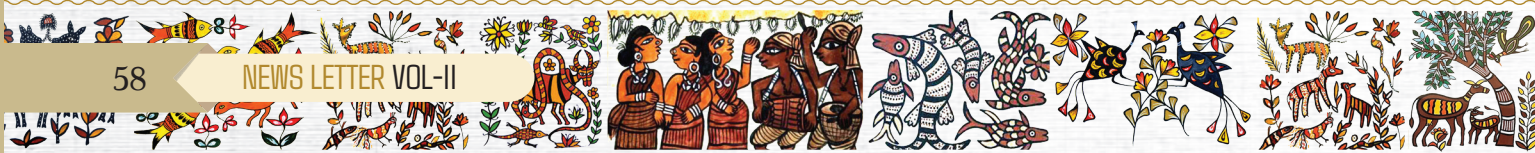
As per NALSA Calendar 2023, National Lok Adalat was organised across the state of Jharkhand by all DLSAs and HCLSC in month of February, May, September and December 2023. The NLA was organized for settlement of cases such as Bank Matters, 138 NI Act, MACT Cases, Matrimonial Cases, Labour Disputes, Land Acquisition Cases, Revenue Cases, Railway Claims, Electricity, Petty Offences, Criminal Compoundable Cases, Civil Cases, Consumer Acts Cases, Municipal, Electricity and water Bills, Traffic Offences and Covered Matters, BCCL related matters etc.

The details of cases disposed off in the last two National Lok Adalats are as under:

### National Lok Adalat- 2023

(9<sup>th</sup> September and 9<sup>th</sup> December, 2023)

Date of NLA	Pre litigation cases		Pending Cases		Total Disposal	Total Amount Settled
	Taken up	Disposed	Taken up	Disposed		
09-Sep-2023	6,69,465	6,42,733	81,875	66,450	7,09,183	5,22,41,54,868
09-Dec-2023	8,45,403	7,89,196	85,561	75,210	8,64,406	21,95,18,09,421
<b>Total</b>	<b>15,14,868</b>	<b>14,31,929</b>	<b>1,67,436</b>	<b>1,41,660</b>	<b>15,73,589</b>	<b>27,17,59,64,289</b>



## Extending Large Number of Benefits Of Welfare Schemes in National Lok Adalat

As per NALSA Calendar 2023, National Lok Adalat was organised across the state of Jharkhand by all DLSAs and HCLSC in month of February, May, September and December 2023.

Apart from effective settlement of suitable nature of pending as well as pre-litigation stage matters, benefits of Govt. beneficial schemes (covering 102 Beneficial Schemes) was also taken up in NLA held in September, 2023 and December, 2023.

Number of beneficiaries and amount disbursed in above two NLAs are as follows:

No. of Beneficiaries	Total Amount Disbursed (Rs.)
90,40,123	29,64,25,16,405

## Under Trial Review Committee Special Campaign 2023

*(from 18th September, 2023 to 20th November, 2023)*

The National Legal Services Authority (NALSA) under the guidance of Hon'ble Mr. Justice Sanjay Kishan Kaul, Judge, Supreme Court of India & Executive Chairperson, NALSA, has launched the 'Under Trial Review Committee Special Campaign 2023' from 18th September, 2023 to 20th November, 2023.

The Campaign was launched with an aim to accelerate the regular functioning of the Under Trial Review Committees (UTRCs) and review of all eligible Under Trial Prisoners (UTPs) and to expedite the identification and review of prisoners who are eligible to be considered for release as per the NALSA's Standing Operating Procedure (SOP) for UTRCs.

## Under Trial Review Committee Special Campaign 2023

*Consolidated figures on cases reviewed and action taken:*

Sl. No	Category of UTP	Total Number of UTPs considered reviewed	Total Number of UTPs recommended	Total Number of cases where bail/other application moved	Total Number of cases where bail/other application is pending	Total Number of UTPs released pursuant to UTRC's Recommendations
(1)	UTPs covered under Section 436A Cr.P.C.	6	6	4	0	4
(2)	UTPs released on bail by the court, but have not been able to furnish sureties.	163	122	97	6	95
(3)	UTPs accused of compoundable offences.	792	596	464	80	328
(4)	UTPs eligible under Section 436 of Cr.P.C.	130	109	66	0	61
(5)	UTPs who may be covered under Section 3 of the Probation of Offenders Act, namely accused of offence under Sections 379, 380, 381, 404, 420 IPC or alleged to be an offence not more than 2 years imprisonment.	441	329	296	31	253
(6)	UTPs become eligible to be released on bail u/s 167(2)(a)(i) & (ii) of the Code read with Section 36A of the Narcotic Drugs and Psychotropic Substances Act, 1985 (where persons accused of Section 19 or Section 24 or Section 27A or for offences involving commercial quantity) and where investigation is not completed in 60/90/180 days.	1	1	1	0	1



(7)	UTPs who are imprisoned for offences which carry a maximum punishment of 2years.	37	35	25	2	17
(8)	UTPs who are detained under Chapter VIII of the Cr.P.C. i.e. u/s 107,108, 109 and151of Cr.P.C.	0	0	0	0	0
(9)	UTPs who are sick or infirm and require specialized medical treatment.	76	51	41	13	5
(10)	Women UTPs	227	124	74	20	32
(11)	UTPs who are first time offenders between the ages 19 and 21 years and in custody for the offence punishable with less than 7 years of imprisonment and have suffered at least 1/4th of the maximum sentence possible.	50	40	27	6	21
(12)	UTPs who are of unsound mind and must be dealt under Chapter XXV of the Code.	10	5	3	0	1
(13)	UTPs eligible for release under Section 437(6) of Cr.P.C, wherein in a case triable by a Magistrate, the trial of a person accused of any non-bailable offence has not been concluded within a period of 60 days from the first date fixed for taking evidence in the case.	53	51	37	12	15
<b>Total</b>		<b>1986</b>	<b>1469</b>	<b>1135</b>	<b>170</b>	<b>833</b>

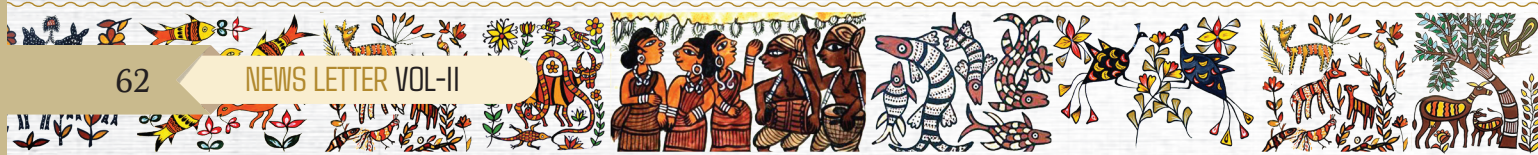
# 100 Days Awareness And Outreach Campaign

## From 17<sup>th</sup> Sep To 25<sup>th</sup> Dec 2023

The Jharkhand State Legal Services Authority (JHALSA) under the guidance of Hon'ble Executive Chairperson, JHALSA, has launched the "100 Days Awareness and Outreach Campaign" from 17th September, 2023 to 25th December.

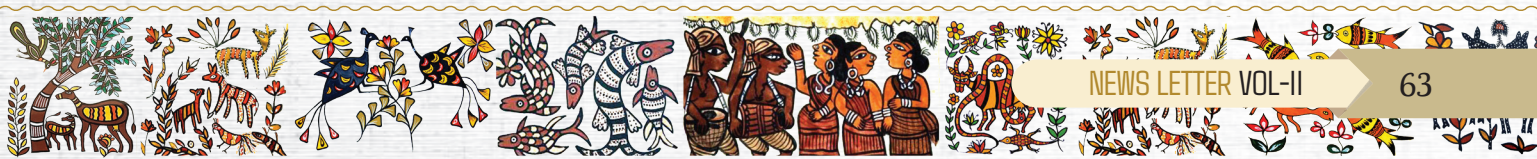
### The Campaign was launched with following aim & activities

- Intensive Campaign to identify the Children in Need of Care and Protection and link them with Child Protection Scheme, so that they may never become victims of Trafficking/ Child Labour / Child Marriage / Child Abuse. This campaign shall be conducted in close coordination with the Village Level Child Protection Committees and Kailash Satyarthi Children's Foundation.
- The children identified and brought under the Child Protection Eco System of the State shall be monitored at the level of VLCPC, DCPU and CWC till they attain eighteen years of age or they are completely safe in family based care system.
- Intensive Campaign for victim emancipation (Identification of victims by holding camps at LSCs, Receiving Applications for victim compensation, Grant of compensation)- (From 17.09.2023 to 25.12.2023)
- 100 Days Intensive Campaign in Jails to map all such inmates who: (i) Have been granted bail, yet, not jailed out (ii) Who are convict, but, no appeal filed (iii) Who are covered u/s 436A Cr.P.C.
- At least one visit to jail shall be made in each of the four phases for identification of inmates who are in need of legal services / medicare or psychological counseling.
- One Mega Legal Services-cum-Empowerment Camp in each District
- Intensive Campaign to reach out each of 29000+ villages of Jharkhand at least twice
- Intensive Campaign in the Observation Homes to identify such children: (i) Who are there for more than 3 years. (ii) Who are in need of legal representation (iii) Who needs medical treatment/counseling.
- At least one programme each for Women, Children, Differently abled Persons, Tribals
- Exhibition of the DLSA Achievements at District Level in LSC in association with District Administration
- Holding of Essay, Painting, Debate Competition in Legal Literacy Clubs of Jharkhand and felicitation of State/Zonal Best Girls and Boys in
- JHALSA
- Prabhat Pheris on every Tuesdays of the Campaign period

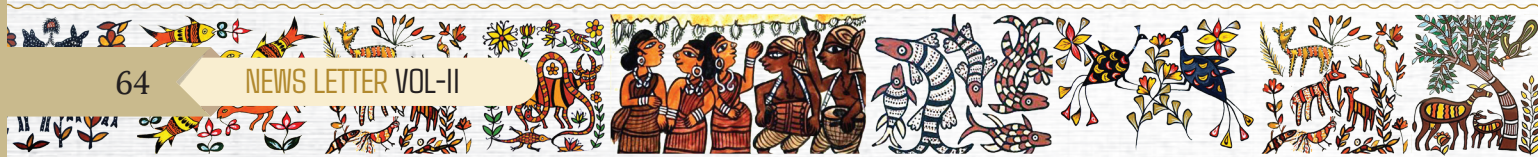


## 100 Days Awareness and Outreach Campaign

A Intensive Campaign for identifying Children in need of care and protection i.e victim of Child Labour/Child Marriage/Child abuse			
No. of Awareness Programmes held	No. of Children identified	No. of Children rehabilitated	
4100	501	177	
B Victim Compensation including victims of Natural disaster/calamities/ Naxal Violence etc			
Number of Victims Identified	No of Victims granted Compensation	Amount disbursed as compensation	
239	207	14795005	
C Jail Visit			
No of Visits made to Jail	No. of inmates jailed out	No. inmates to whom other assistance provided	
664	2668	7513	
D Observation Home Visit			
No of Visits made to Obv Home	No. of inmates jailed out	No. inmates to whom other assistance provided	
247	146	1213	
E Medico-Legal Awareness Programmes at Jail/Shelter home/Obv Home			
No. of Yoga/Mental Health Wellness Camp	No. of inmates provided Medical Checkup and Counseling		
438	14343		
F Prabhat Pheris/Exhibition			
No. of Prabhat Pheris	No. of Exhibitions	Total No. of participants	
695	163	61443	
G Activities at Legal Literacy Clubs			
No. of Programmes held	No of students participated	No. of students rewarded	
1200	64292	977	



H Activities in Legal Aid Clinics			
	No. of Persons Visited	No of persons to whom Legal Aid/Advice Provided	
	51493	29001	
I Legal Awareness through Mobile Van			
	No. of Mobile Van utilized	No. of persons benefitted	
	69	138135	
J Special Outreach Campaign for	No. of Programme	No. of Beneficiaries	
Women	2296	86210	
Children	1817	873303	
Differently abled	437	11119	
Govt Welfare Schemes	1510	1881012	
MACT	243	5297	
Pre Arrest, Arrest and Remand	638	8135	
ADRs	486	10949	
POCSO	482	1813530	
SC/ST	555	920552	
K Legal Empowerment/Services Camp			
	No. of Camps organized	No. of Beneficiaries	Amount Disbursed
	117	2500963	1608488907
L	Number of Villages Covered	29906	
M	Total Number of application for Legal Aid received	9497	
N Cyber Awareness Programmes			
	Number of Cyber Awareness Programmes held (Ref Order dt 20.9.23 in WP (PIL)3328 of 2018 passed by Hon'ble High Court of Jharkhand	No. of Beneficiaries	
	<b>278</b>	<b>1815195</b>	



# Judicial Academy Jharkhand

## An Institute for Excellence in Training

Judicial Academy, Jharkhand is functioning in the new building since 10th of October 2015 in a picturesque location near the sprawling Dhurwa Dam of Ranchi. In order to achieve its moto **“LEARNING ENDURING JUSTICE”**, in the year 2023 it has conducted several Training Programmes which are following:

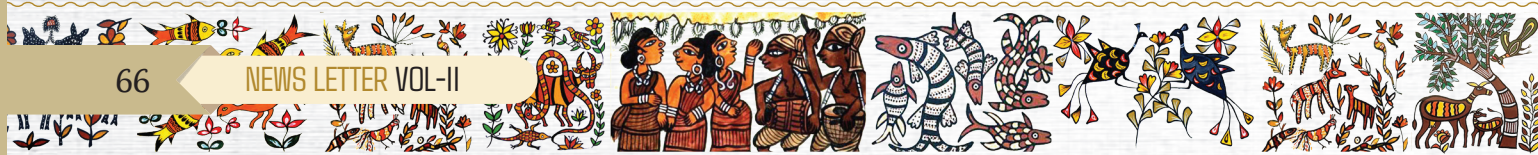
1. *Refresher Training Programmes* : 09
2. *State-Level Conferences* : 04
3. *Regional Conferences at their headquarter* : 02
4. *Workshops* : 02
5. *Online CIS Hands on Training Programmes* : 01
6. *Refresher Trainings for High Court Assistant* : 02
7. *Refresher Trainings for Ministerial staffs of District Court* : 03
8. *Foundation/Orientation Training Programme for newly promoted/appointed District Judges* : 01
9. *Training Programme for Referral Judges for the Hon’ble Judges of Bihar, Odisha & Jharkhand*

The above training programmes were conducted through Resource person from sitting & retired Hon’ble Judges, Legal experts and experts from various field. From July,2023 to December,2023, Judicial Academy, Jharkhand has conducted total 25 courses involving 3767 participants consisting of Judicial Officers, newly appointed District Judges from BAR & Services, Executive Officers, Advocates, Prosecutors, Police Officers, Ministerial staff, Law students and Advocate clerks through offline & online modes. Details of Training Programme for Judicial Officer and Ministerial staffs & ECT Training programmes are follows:

Sl. No.	Name of Course/ Workshop	Target group	Duration	Date	No of Participants
1	Refresher Training Programme on Sessions Trial for District Judge	District & Additional Sessions Judge	02 days	01.07.2023 02.07.2023	48



2	Training programme for Ministerial staff (at District Headquarters)	Assistants of District Courts	01 day	03.07.2023	437
3	One day Referral Judges Training Programme for the Hon'ble Judges of Bihar, Odisha & Jharkhand	Hon'ble Judges of High Court of Jharkhand	01 day	08.07.2023	16
4	Refresher Training Programme for Registrar/ Judge I/c of District Courts and Sub-Divisional Courts	Registrar/ Judge I/c	01 day	30.07.2023	26
5	Refresher training programme for Ministerial staff	Assistants of the District Court	01 day	20.08.2023	406
6	Refresher Training programme on Civil Trial	Civil Judge (Sr. Div.)	02 days	26.08.2023 27.08.2023	66
7	Refresher Training Programme for Court Manager for all the Court Manager of the High Court & District Court	all the Court Manager of the High Court & District Court	01 day	27.08.2023	28
8	Workshop on Disposal of Matrimonial cases	Principal Judge Family Courts & Presiding Officers of Additional Family Courts	01 day	03.09.2023	39
9	Refresher Training Programme on Civil Laws	Civil Judge (Jr. Div.)	02 days	23.09.2023 24.09.2023	86
10	Refresher Training programme for Assistants of the High Court	Assistants of the High Court	01 day	23.09.2023	34
11	Refresher Training Programme on Civil Laws	Civil Judge (Jr. Div.)	02 days	30.09.2023 01.10.2023	73



12	Refresher Training programme for Assistants of the High Court	Assistants of the High Court	01 day	01.10.2023	37
13	Training Programme for Saristedar of Civil Courts, Nazir & Naib Nazir of District Courts	Saristedar of Civil Courts, Nazir & Naib Nazir of District Courts	01 day	15.10.2023	318
14	Refresher Training Programme on Civil matters for District Judges	District Judges	02 day	25.11.2023 26.11.2023	42
15	Refresher Training Programme for Assistants of High Court	Assistant of High Court	01 day	26.11.2023	36
16	Refresher Training Programme for Principal District Judges to Streamline Court Administration	Principal District Judge	02 day	02.12.2023 03.12.2023	22
17	Online CIS Hands-on Training for Officers of Civil Judge (Jr. Div.)	Civil Judge (Jr. Div.)	01 day	02.12.2023	154
18	Foundation/Orientation Training programme for Newly Promoted/Appointed District Judges	Newly Promoted/ Appointed District Judges	3 weeks	Started from 11.12.23	39

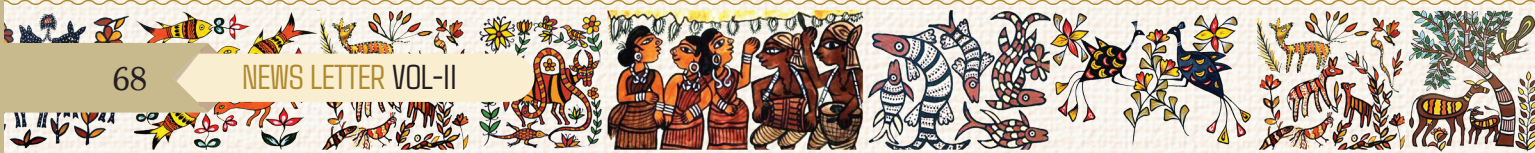
The Judicial Academy, Jharkhand, has successfully accomplished its training courses in the year 2023 and in this academic year 2024-25, The Academy is ready to make all endeavors to impart training to the Judicial officers and all stakeholders attached to the Justice delivery system for ensuring the State Judiciary to reach at the level of excellence and highest degree of effectiveness through total number of 52 Training & several other ECT training programme as per the approval of Hon'ble Court.



One day Referral Judges Training Programme for the Hon'ble Judges of Bihar, Odisha & Jharkhand



One day Referral Judges Training Programme for the Hon'ble Judges of Bihar, Odisha & Jharkhand





*Foundation/Orientation Training programme for Newly Promoted/Appointed District Judges*



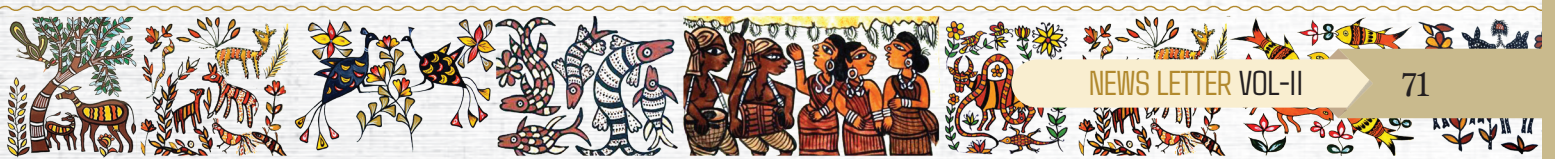
*Refresher Training Programme on Civil Laws*

ii. In this Academic year, Judicial Academy has to conduct altogether 07 Conferences, Workshops and Seminars. Out of that the academy has conducted the following Conferences & Seminars from July to December, 2023:

Sl. No.	Name of Training	Targe Group	No of days	Date	No of participants
1	Conference on Crime Against Women & Human Trafficking	District & Additional Sessions Judge, CJM, ACJM and Judicial Magistrate 1st Class, Public Prosecutors (Trainee), Police officers, Advocates, Persons from Civil Society (NGO) and Law Students	01 day	16.07.2023	Judicial Officers-117 Public Prosecutors (under Training) – 52 Police Officers- 52 NGO Members-14 Faculty & Student of Law Colleges-51 Total: 286
2	3 <sup>rd</sup> Regional Conference on “Key Issues of Remand & Bail Jurisprudence” at Dhanbad Headquarter	Judicial Officer, Senior Police Officer, Public Prosecutor, Police Officer, Advocate	01 day	06.08.2023	Judicial Officer : 98 P.O: 72 PP 21 Advocate: 67 Total:258
3	Jharkhand State Multi-Stakeholders Consultation on Children in Conflict with Law Prevention, Restorative Justice, Diversion and Alternative to Detention Organized by The Juvenile Justice-Cum-POCSO Committee, High Court of Jharkhand in association with Department of Women, Child Development and social Security, Government of Jharkhand and Unicef	POCSO Judges, PM JJB, DLSA Secretaries, Senior Police Officers, Advocates, Police Officers, CWC Members, other government officials, Law students	01 day	12.08.2023	350 (approx.)



4	Workshop on Qualitative Disposal of Motor Accident Claim Cases for Officers of District Judge Cadre	Presiding Officers of Motor Accident Claim Tribunal and other Officers dealing with Motor Accident claim cases	01 day	20.08.2023	37
5	Colloquium on Protecting Child Rights: Legal Perspective, Organized by Jharkhand State Legal Services Authority, Ranchi in association with Dept. of Women, Child Development & Social Security, Government of Jharkhand, Kailash Satyarthi Children's Foundation and Bachpan Bachao Andolan	Judicial Officers, PM JJB, Registry Members, Senior Police officers, DLSA secretaries, Police Officers SGPU, PLV, VLCPC, Mediators, Panel Lawyers, Law Students	01 day	17.09.2023	450 (approx.)
6	4 <sup>th</sup> Regional Conference at Cluster 04 at Jamshedpur	District Judge, Judicial Officer, P.P., Advocate, Senior Police Officer, Police Officer, Law students, Others	01 day	08.10.2023	District Judge: 20 Judicial Officer: 30 P.P. :22 Advocate: 60 Senior Police Officer: 04 Police Officer: 83 Law students: 75 Others: 72 Total: 366
7	State Level Conference on Speedy qualitative disposal of Cyber Cases: Issues, Challenges & Solutions	Judicial Officers from all the cadres, P.P. Police Officers, Bank officials	01 day	17.12.2023	A.D.J. 40 S.P.O. 06 P.O. 43 P.P. 24 Total: 113

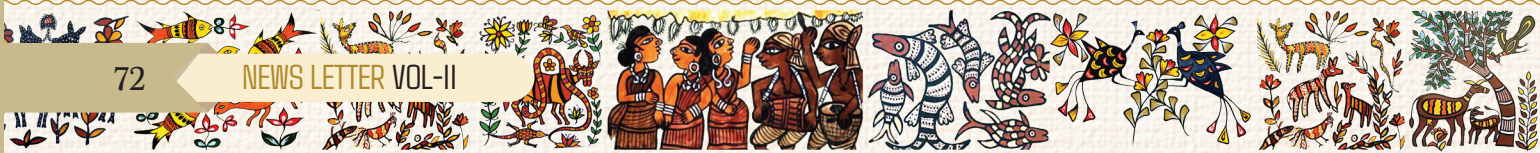




Colloquium on Protecting Child Rights:  
Legal Perspective



Colloquium on Protecting Child Rights:  
Legal Perspective





*Jharkhand State Multi-Stakeholders Consultation on Children in Conflict with Law: Prevention, Restorative Justice, Diversion and Alternative to Detention*



*Conference on Crime Against Women & Human Trafficking*

## HIGH COURT LEGAL SERVICES COMMITTEE

### Data of National Lok Adalat held between 01/07/2023 to 31/12/2023.

Pre-litigation Cases				Pending Cases		
Date	Taken up	Disposed	Settlement Amount	Taken up	Disposed	Settlement Amount
09/09/2023	11	11	-	139	66	11165000/-
09/12/2023	12	12		114	35	22400000/-

**Total Disposal :- 124**

**Total settled amount :- 3,35,65,000/-**

*Legal Services provided by HCLSC, Ranchi  
From July, 2023 to December, 2023.*

Legal Aid provided for Hon'ble Supreme Court of India :- 30

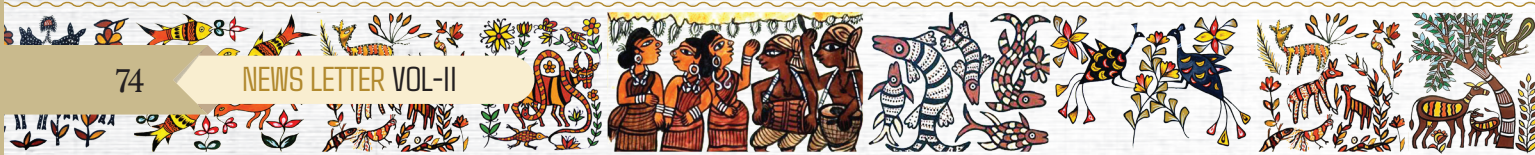
Legal Services provided for Hon'ble Jharkhand High Court :- 1255

**Total :- 1285**

### Blood Donation Camp dated 07/12/2023

High Court Legal Services Committee in association with Sadar Hospital Ranchi and Jharkhand High Court Employees Co-operative Society organized Blood Donation Camp on 07/12/2023 at Judges' Recreation Hall, High Court of Jharkhand, Ranchi. Hon'ble Judges, learned Advocate General, Members of Registry, Law Officers of the State, Advocates of the Jharkhand High Court, Officers and Employees of the Jharkhand High Court, Ranchi and the Police officials etc. participated in the Blood Donation Camp.

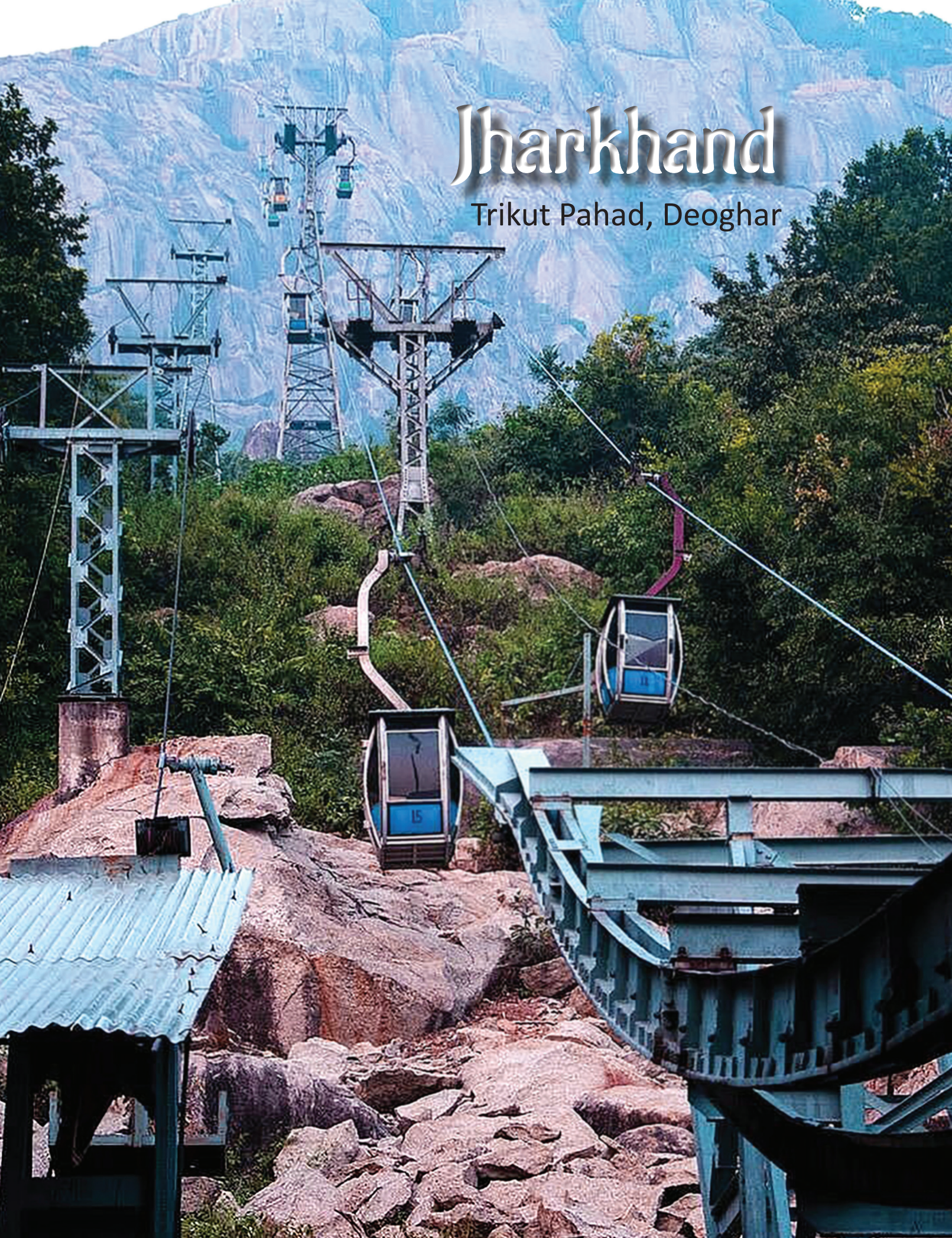
Total 219 units of Blood were collected from the Blood Donors in the Blood Donation Camp.



# *e-Court Project*

# Jharkhand

Trikut Pahad, Deoghar



# The e-Court Project

## Best Practices (e-initiatives) of High Court of Jharkhand

### i. *Data Bank for Case Information System (CIS) in High Court*

- Earlier, there was no provision in the CIS for keeping database of ready pending cases for listing before respective Benches. Also, previously, individual staffs used to directly make entry of cases before respective Benches.
- An in-house module has been developed for keeping accumulated database of ready pending cases for listing the cases before respective Benches centrally as per requirement. In this regard, a separate periphery has been developed for entering of ready pending cases by the concerned sections.
- There is a provision in the Data Bank module for listing the cases Bench wise, nomenclature wise, subject wise and year wise as per direction of Benches.

### ii. *Judgement / Order Template*

A module has been integrated in CIS for automatic generation of structure of Order/Judgement by fetching the details such as the Petitioners/Respondents, Advocates, Coram etc. halting the need of manually typing these details.

#### **Its features are mentioned below:**

An editable document file is generated with the details of the Petitioners/Respondents, Advocates, Coram etc. so as to save time.

- Error while manually typing the details of case is reduced.
- The document is generated as per the format of Hon'ble Courts.

### iii. *Software for Vigilance Cell*

An In-House application has been developed with an objective to maintain data for the impartial assessment of the character, conduct, capabilities and performance of the Judicial Officers throughout the year.

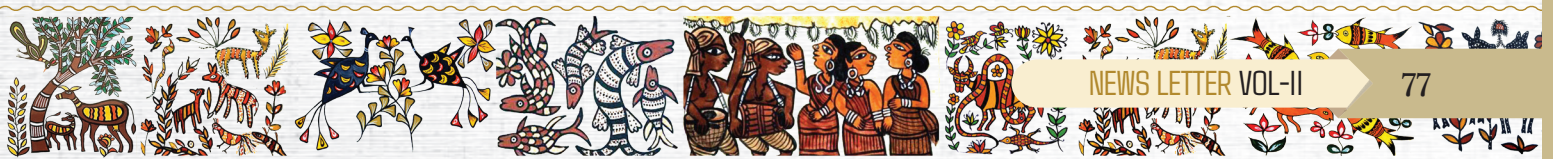
#### **Features:**

- It maintains useful and confidential data for the analysis of the qualities as well as the short-comings of the Judicial Officers.
- A complete privacy has been maintained for the Reporting Authority, Reviewing Authority and Accepting Authority.

### iv. *Software for State Judicial Officers*

This application can manage state Judicial Officer's Bio-data. The details are also available in the website of High Court of Jharkhand.

#### **Salient features:**



- Add/Modify Officer’s profile.
- Transfer, promotion and training details of Officers by cadre
  - **Principal District Judge**
  - **District Judge**
  - **Civil Judge (Senior Division)**
  - **Civil Judge (Junior Division)**
  - **Probationary Civil Judge (Junior Division)**
- Generate reports under different headings like:
- All Officers as per Civil List
  - **Secretary, DLSA**
  - **Judicial Members of Registry**
  - **Judicial Officers of Labour Court**
  - **Judicial Officers on Deputation**
  - **List of Master Trainers**
  - **Station Wise**
  - **Cadre Wise/Strength**
  - **Biodata**
  - **Retirement Wise**

### v. Display Board

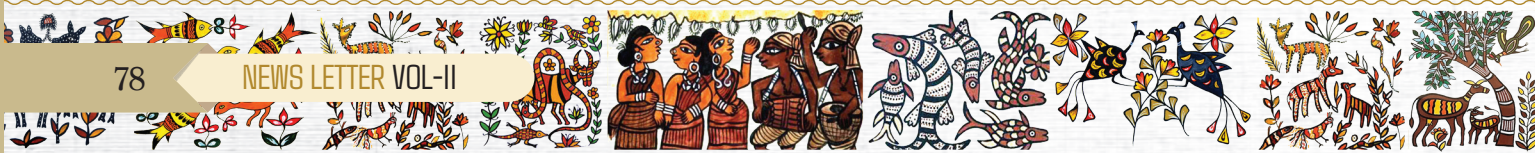
- Implemented at High Court of Jharkhand and all 24 District Courts of State of Jharkhand.
- Displays live status of hearing of cases of all the Court Rooms.
- Displays Messages and Presence Required of Learned Counsel in particular Court Rooms.
- Recently, e-Call facility has been implemented for sending SMS directly to concerned advocates for their presence required in particular Court Room.
- Implementation of Offline and Online Display Board on the website of High Court.

Display Board - Jharkhand High Court				Thursday, 20th November, 2018 12:33:38 PM			
Court	Sl.No.	Case No.	Status	Court	Sl.No.	Case No.	Status
01	D/4	LPA/600/2017	In Progress	11	D/12	Cr.Rev./1273/2018	In Progress
02	D/9	LPA/379/2012	In Progress	12	Not in session		
03	D/11	Cr.A(DB)/35/1996	In Progress	13	D/9	WPC/1437/2012	In Progress
04	Not in session			14	D/38	MA/188/2014	In Progress
05	Not in session			15	S/85	B.A./6788/2018	In Progress
06	Not in session			16	D/60	A.B.A./4613/2018	Called
07	D/9	WPC/3962/2013	In Progress	17	Not in session		
08	Not in session			18	D/12	WPC/4121/2018	In Progress
09	S/15	WPC/1933/2015	In Progress	19	D/4	Cr.A(SJ)/567/2004	In Progress
10	Not in session			20	D/8	SA/33/1988	In Progress

Automatic update in every 7 seconds

Presence Required of Learned Counsel : Court No 3 (Mr/Ms) SANJAY KR. PANDEY , Court No 11 (Mr/Ms) MR. T N VERMA FOR THE ACB ,

Disclaimer - There may be time gap in internet transmission. Exact status be confirmed at the concerned court.



The Display Board has been customized to view all the Establishments in a single screen so that litigants and lawyers can find their cases if called in some other courts

Principal Judicial Commissioner Establishment		Civil Judge Senior Division Establishment	
Court	Case No.	Court	Case No.
09	Not in Session	14	Not in Session
10	Not in Session	15	Not in Session
11	Not in Session	01	OriginalSuit/96/2016 <span style="color: green;">In Progress</span>
12	Not in Session	Chief Judicial Magistrate Establishment	
13	Not in Session	Court	Case No.
14	Not in Session	02	Not in Session
15	Not in Session	03	Not in Session
16	Not in Session	04	Not in Session
17	Not in Session	05	Not in Session
		06	Not in Session
Principal Judge Family Court Establishment		Civil Judge Junior Division Establishment	
Court	Case No.	Court	Case No.
01	Not in Session	12	Not in Session
02	Not in Session	13	Not in Session

Disclaimer -> There may be time gap in internet transmission. Exact status be confirmed at the concerned court.

#### vi. *e-Pass (Visitor Management System)*

- Implemented in High Court of Jharkhand on 2nd October 2021.
- Provision for both Advocate & Litigants to online apply for Gate Pass for entering in High Court premises.
- Link available in official website of High Court of Jharkhand.

#### vii. *Live Streaming of Proceedings*

- Implemented in High Court of Jharkhand on trial basis under direction of Hon'ble Supreme Court of India.
- Two Court Rooms (One Single Bench & one Division Bench) have been made ready for Live Streaming.

#### viii. *Online Scrutiny Report*

- Implemented in High Court of Jharkhand on 16.06.2020.
- Display list of defects made by the Stamp Reporting Section in the cases filed in the High Court.
- Details of cases can be searched by party names/Token No. and Year.

#### ix. *Online Certified Copy*

- High Court of Jharkhand facilitates to apply for certified copy of Orders and Judgments online.
- It is integrated with e-Grass payment gateway. At the time of applying,



various details such as email, phone no. etc. are collected to deliver the certified copy electronically.

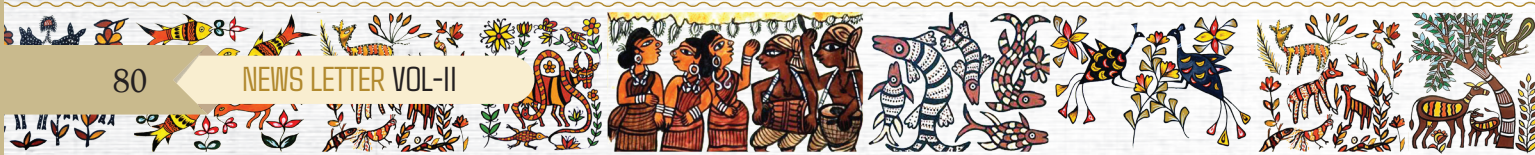
- Services launched for High Court of Jharkhand on 26th November 2020.
- Users can apply in two ways-1) Orders & Judgment copy:- Users can apply online for the certified copy of orders/judgment by following simple steps and can also make online payment for the same. Applicants get the true/certified copy of requested order in their provided e-mail. 2) Others copy:- Documents such as petition/ annexure/ pleadings etc. related to the cases can be also applied online.

#### x. *Various In-House CIS Periphery Development*

- Report Periphery version 2.1:- Upgraded version of CIS report periphery version 1.0.
- Lower Court Report:-Generation of the lower court report based on establishment with multiple filters like court/district/case type/case status/registration date wise and subordinate case type wise.
- Daily Proceeding:- Court user can instantly check the proceeding of cases.
- Duplicate Checking
- Cause List:-User wise entry/delist cases log.
- Institution Register:- Generates reports nature wise/Judicial Branch wise with institution/ unregistered/ Pending/ Disposal filter.
- Interlocutory Application Institution Register:- Generate reports nature wise with Pending/Disposal filter.
- Case Details:-Enhanced searching of cases by case no/case type and case year.
- Reports:-Various report of Arising Cases/Fixed cases/Top Cases and Defects Register etc. can be generated.

#### xi. *SMS facility*

- The bulk SMS facility is available for Lawyers/ litigants, which facilitates faster dissemination of information to Lawyers/ litigants. This facility provides the following information:
- Various types of messages are sent to provided mobile no, such as:
- Listing of cases containing information relating to a case viz. Case no., Party Details, date of listing, Court no. etc.
- Filing related information containing information relating to a case viz. Filing No., CNR (Case Number Record) No., Party Detail and Date of Filing is sent.
- Objection related Information containing information relating to a case viz. Filing No., CNR (Case Number Record) No., Party Detail and details of objection.
- Court Proceeding/Business containing information relating to a case viz. if case is disposed: (Disposal nature, Disposal date) else next date and short order is sent through SMS.



*Significant  
Judgments*



# Jharkhand

High Court of Jharkhand

## Significant Judgments

**CORUM: HON'BLE JUDGE(S): SHREE CHANDRASHEKHAR, RATNAKER BHENGRA, JJ  
STATE V. DABLU MODI**

**Death Ref. No.1 of 2022. Decided on 14/08/2023**

(A) Penal Code (45 of 1860), S.376AB, S.302, S.201 Protection of Children from Sexual Offences Act (32 of 2012), 5.6 Evidence Act (1 of 1872), S.3- Rape and murder Appreciation of evidence Accused committed aggravated penetrative sexual assault on victim child and caused her death Mother of victim deposed that when accused said that he wanted to take her victim daughter for dinner at marriage party, she refused because her daughter though likes to go to parties but did not take food However, accused forcibly took her daughter along with himself and later on, feigned ignorance about victim - Admission of mother that she never permitted her daughter in past to go out with any other person in no way challenges her credibility, even if she kept quiet and did not raise hulla when accused forcibly took her daughter to marriage party as accused was neighbour and acquaintance against whose intention, no doubt could have come to her mind Conduct of mother was not unnatural or at least not such that she can be labelled as untruthful Co-villager, who was present in marriage party, deposed that accused was seen taking away victim towards forest from marriage party Testimony of mother and co-villager remained intact and it was established beyond doubt that victim was last seen alive in company of accused Inquest report, postmortem report and opinion of doctor established that victim was subjected to sexual assault and strangled to death Conviction, proper.

(B) Penal Code (45 of 1860), S.376AB, S.302, S.201- Protection of Children from Sexual Offences Act (32 of 2012), S.6 Evidence Act (1 of 1872), S.24, S.25, S.26, S.27 Rape and murder Confessional statement and recovery Reliability Accused committed aggravated penetrative sexual assault on victim child and caused her death. Accused made confessional statement in which he disclosed place where he had committed rape upon victim and concealed her dead body, clothes etc. No reason to suspect his disclosure statement and he did not challenge that his confessional statement was extracted by police by putting fear, coercion or pressure on him Recovery of dead body and belongings of victim from forest was established by prosecution on pointing of accused Recoveries made at instance of accused confirmed that he had exclusive knowledge about place of concealment and his disclosure statement made before police was correct to that extent Said part of his disclosure statement which was proved by prosecution was highly incriminating material and would provide a clinching link in chain of circumstances against him, his confessional statement was reliable.

(C) Penal Code (45 of 1860), S.376AB, S.302, S.201- Protection of Children from Sexual Offences Act (32 of 2012), S.6- Criminal P.C. (2 of 1974), S.386 Rape and murder Reduction of death sentence Accused suffered sentence of death by hanging and a fine of Rs. 5,000/- separately under S.302 and S.376AB of IPC Sentence of RI for seven years and a fine of Rs. 1,000/- was also inflicted upon him for offence punishable under S.201 of IPC There is a report by Probation Officer who has recorded his satisfaction that accused had no criminal past Report of Board of Experts affirmed that mental capacity of convict was not impaired and thus there were chances of reformation Cause of justice would be effectively served if death sentence imposed by trial Judge was converted into life imprisonment with a direction that there would not be any remission till accused completes 25 years of imprisonment.

**CORUM: SHREE CHANDRASHEKHAR AND ANUBHA RAWAT CHOUDHARY, JJ.  
FIRST APPEAL NO. 87 OF 2022**

**(18.8.2023)**

***Suman Kumari & Ors.***

***....Appellant***

**vs.**

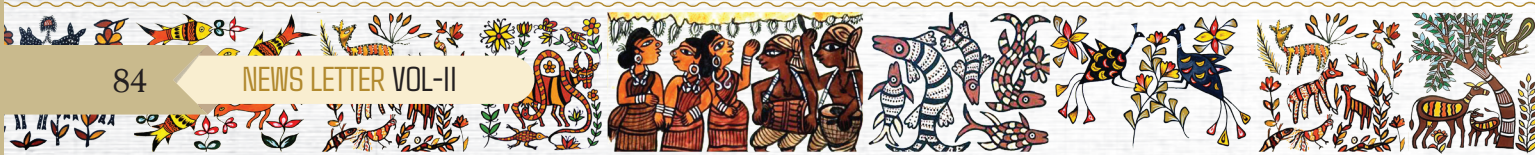
***Sanjay Kumar***

***....Respondent***

**For the Appellants : Mr. Akhouri Awinash Kumar.**

**For the Respondent : In-person. For the Respondent: In-person.**

Guardians and Wards Act, 1890-Sections 7 and 25-anyone who has the care of a minor irrespective of the fact whether or not that person is a legal guardian is entitled to present a petition for the appointment as a guardian of the person or property, or both of the minor or for a declaration and guardian of the minor- in a petition seeking appointment or declaring the person to be a legal guardian of the minor, the Court is required to keep in mind that minor's interest is of paramount consideration-the attachment and sentiments of the parties towards the minor children or capacity to provide comfortable living cannot be a overwhelming consideration overriding the welfare of the minor-respective rights of father and mother regarding custody of their children do not permit them to claim an indefeasible right and therefore, if custody of one spouse cannot promote the welfare of the minor that person's desire to see the minor well-groomed and educated or his attachment for the minor cannot be the main consideration-the Guardian Court in a case of a dispute between the mother and father is between the requirements of welfare of the minor children and the other attending circumstances-in present case, earlier Guardianship case was dismissed and Court declined to grant custody of minor children to respondent, but later Guardianship case was allowed holding that appellant has no



secured income of her own whereas the respondent can give good education to the minor children and if shall not be in the welfare of the children if they are allowed to remain in the company of their mother who lives in a village which lacks proper educational and medical care facilities and custody of the minor children given to respondent-in First Appeal 56 of 2020 [:2022(3) JLR 534], High Court did not grant custody of the minor children to the respondent and remanded the matter to the Family Court for deciding the issue of “shared parenting or joint custody and guardianship” by taking evidence of the father and mother-thus, an issue that was not open to challenge was re-opened and decided by the Family Court contrary to the direction of High Court in First Appeal 56 of 2020.

Administration of Justice-Judicial Discipline-adjudication of a dispute between the parties is the primary function of the Court and, therefore, discipline in the administration of justice is important for maintaining faith of the litigants in the system-the adherence to judicial discipline is sine qua non for sustaining the judicial system and it is the duty of every member of the District Judiciary to maintain judicial discipline.

**Corum: SHREE CHANDRASHEKHAR AND RATNAKER BHENGRA, JJ.**

**Commercial Appeal No. 11 of 2018,  
decided on August 30, 2023**

**M/s B.N. Hotel (Pvt.) Ltd.**

**Appellant**

**Versus**

**M/s Shri Ram Multicom Pvt. Ltd.**

**Respondent**

Arbitration and Conciliation Act, 1996, Sections 34 to 37 and 18-Commercial Courts Act, 2016, Section 13(1-A)-Arbitration award-Setting aside-Scope-Award for loss of profit cannot be allowed on mere producing some evidence as regards expected profits that could have been earned by other party-Award of expected profits suffered from a fundamental flaw in law-And such a claim can be awarded only when it is established that aggrieved party has suffered losses and not merely because work was stopped on account of a dispute between the parties-Award of loss of profits being perverse, thus award of expected profits to the tune of Rs. 8,75,44,689/- set aside-Direction issued-Appeal disposed of.



## CORAM: S. CHANDRASHEKHAR AND ANUBHA RAWAT CHOUDHARY, JJ.

Death Reference No. 02 of 2020 and Cr. Appeal (DB) No. 493 of 2020

Decided On: 18.10.2023

*State Vs. Mithu Rai*

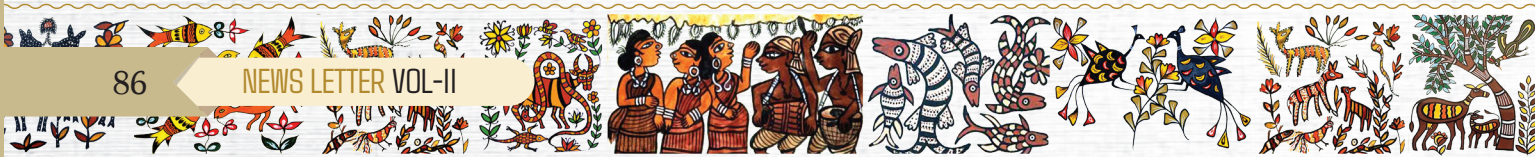
*Counsels:*

**For Appellant/Petitioner/Plaintiff: Pankaj Kumar, Public Prosecutor**

**For Respondents/Defendant: Kumar Vaibhav, Amicus Curiae, Rajeeva Sharma, Sr. Advocate and Ritesh Kumar, Advocate**

**Case Category:** *CRIMINAL MATTERS- MATTERS RELATING TO SEXUAL HARASSMENT, KIDNAPPING AND ABDUCTION*

Case Note: Criminal- Rape -Kidnapping Sections 34, 366, 376-DB, 376A, 302 and 201 of Indian Penal Code, 1860 (IPC); Sections 374, 378 and 386 of Criminal Procedure Code, 1973 (CrPC) and Section 6 of Protection of Children from Sexual Offences Act, 2012 (Act) Appeal challenging judgment and order whereby appellant convicted for offence under Sections 366/34, 376-DB/34, 376A-34, 302/34 and 201/34 of IPC and Section 6 of Act Whether challenging conviction and sentence against appellant for offence under Sections 366/34, 376-DB/34, 376A-34, 302/34 and 201/34 of IPC and Section 6 of Act? Held, non-compliance of section 235(2) of CrPC shall vitiate sentence awarded to appellant There can be no measure of doubt that any procedure that suffers from procedural impropriety cannot be said to be just, fair and reasonable procedure - There are then bound to be questions of denial of natural justice and ignoring dignity of human beings In matters of criminal conviction which is fraught with imminent possibility of loss of life this is duty of trial Judge to inform convict that he has right to be heard on the question of sentence In every case where statute provides death penalty Court must adjourn "further" hearing on sentence after clearly informing accused that he has right to produce material on mitigating circumstance Judgment and order cannot bear loads of so many procedural illegalities which in turn violated Constitutional rights of accused with impunity - Duty of appellate Court under Sections 374, 378 and 386 of CrPC emanates from Constitutional Sacred duty of judge gets more accentuated when matter concerns offence for which death penalty is possibility Looking at illegalities committed during trial of POCSO Act, trial was vitiated Accordingly, judgment of conviction and order of sentence set aside Appeal allowed.



## CORUM: SHREE CHANDRASHEKHAR AND RATNAKER BHENGRA, JJ

Commercial Appeal No. 3 of 2021 (21.7.2023)

*Union of India through the  
General Manager, South Eastern Railways*

*Appellant*

vs.

*Anup & Company*

*Respondent*

**For the UOI : M/s Anil Kumar, Pratyush Kumar,**

**For the Respondent : M/s Shresth Gautam, Tejo Mistri, Rajarshi Singh,  
Miss Aulia Begum**

Arbitration and Conciliation Act, 1996-Section 34, 11(6) and 43-Limitation Act, 1963-Section 5, 14 and Article 137-appointment of Arbitrator-period of limitation-challenge to the Award-plea that claims raised by the claimant were not arbitrable and invocation of arbitration clause through notice was barred by limitation-claimant was awarded the subject-works and as work progress was not as per the time schedule, under clause 62 of General Conditions of Contract was issued to the claimant giving notice to commence work/to make progress in work-award held that no claim of claimant is barred by Act of Limitation-claimant shall also be entitled to simple interest-claimant challenged the notice by filing writ petition before High Court of Jharkhand but, in the meantime, the contract was terminated-writ petition was dismissed as withdrawn with liberty to the claimant to invoke arbitration clause-claimant filed another petition before Calcutta High Court for appointment of the Arbitrator and following the order passed by it, sole arbitrator was appointed-three years should be the period of limitation for invoking the arbitration clause from the date of accrual of the cause of action-question of limitation for invoking the arbitration clause necessarily pertains to breaking point which has to be taken as the initial point for counting the period of limitation-in a certain set of facts and circumstances, period during which the parties were bona fide negotiating towards an amicable settlement may be excluded for computing the period of limitation for reference to arbitration-the cause of action becomes important for the purposed of calculating the limitation period for bringing an action through an application/plaint/petition-u/s 43(2), an arbitration shall be deemed to have been commenced when one party to the arbitration agreement serves on the other party thereto a notice requiring the appointment of an Arbitrator-instantly, parties reached the dead end on the date when the contract was terminated which becomes the breaking point for the purpose of counting the period of limitation-the period spent in prosecuting WP(C) 237/2014 in Jharkhand High Court shall be excluded for counting the period of limitation of 3 years from the date of termination of the contract-a plausible view of the Arbitrator cannot be substituted by the Court on re-appreciation of the evidence and by considers to be just-intervention of the Court with an Arbitral Award is envisaged only in supervisory role of the Courts-the Award considered every aspect of the matter including objection raised by the respondent-the Courts while

exercising its powers u/s 34 cannot reappreciate the evidence or examine correctness of the conclusions arrived at by the Arbitrator-it the view taken by the Arbitrator is logical and acceptable merely because two views are possible, the Court in exercise of its supervisory jurisdiction shall not interfere with the Arbitral Award-commercial appeal dismissed.

**CORAM: HON'BLE MR. JUSTICE SUJIT NARAYAN PRASAD AND  
HON'BLE MR. JUSTICE NAVNEET KUMAR**

**L.P.A. No. 125 of 2022**

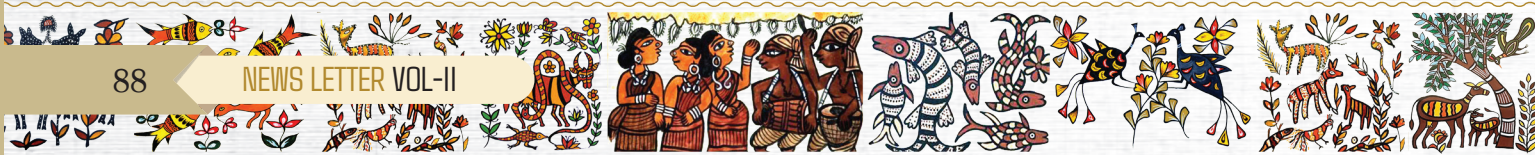
*Dr. Kumari Sandhya v. State of Jharkhand & Ors.*

**Seniority among employees to be established based on the order of merit at the time of appointment to the relevant grade.**

Seniority among employees at the Rajendra Institute of Medical Sciences (RIMS) to be established based on the order of merit at the time of their appointment to the relevant grade. The Court added that individuals selected earlier would be considered senior to those selected later in a given block. The process for creating a seniority list for individuals selected within the same selection committee would involve several specific steps.

The appellant and respondent No. 4 were appointed as Medical Officers. They subsequently transitioned to the role of Assistant Professors, adhering to the requirement of obtaining a No-Objection Certificate from the State Government, where their 'lien' was in place for the Medical Officer position. Both applicants were successful, with respondent No. 4 obtaining higher marks than the appellant. The seniority of the appellant and respondent No. 4 was determined based on their marks in the selection process. The appellant raised an objection that her seniority was fixed below that of respondent no. 4. She argued that since she held the position of Medical Officer with her 'lien' in the State Government, where she was senior to respondent no. 4, RIMS had no jurisdiction to revise her seniority.

The Court pointed out Rule 68 of the Service Code, which clearly states that the 'lien' on the earlier post ceases to exist the moment a government servant joins their service in a substantive capacity on a permanent post. Therefore, the Court concluded that the appellant's and respondent no.4's services were indeed under the regular establishment of RIMS. The court examined the Rajendra Institute of Medical Sciences Act, 2002 and Regulation of 2014, which provided the basis for determining seniority. It clarified that the Regulation's application was not retrospective, as it aimed to establish a system for seniority irrespective of the appointment date.



**CORAM: HON'BLE MR. JUSTICE SUJIT NARAYAN PRASAD AND  
HON'BLE MR. JUSTICE NAVNEET KUMAR**

**LPA 187 of 2023**

***Beldih Club Jamshedpur v. The State of Jharkhand & Ors.***

**Organizations Covered under Employees' State Insurance Corporation Act, 1948**

The Jharkhand High Court has reiterated that if an organization is covered under the Employees' State Insurance Corporation Act, 1948, the number of employees working there is irrelevant, and such establishments are obligated to deposit employee subscriptions to contribute to the ESI fund. This would ensure the fulfilment of the Act's purpose, which is to provide beneficial measures in cases of sickness, maternity, employment injuries, and related matters, the Court said.

The appellant, Beldih Club Jamshedpur, claimed to the ESI Inspector that all its employees and their families received medical services at Tata Main Hospital (TMH). Notice was served, specifying that the petitioner fell under Section 2(12) of the ESI Act. According to this, all workers/employees earning below the stipulated limits were included under the ESI Act. Merely stating the provision of medical benefits at TMH did not exempt the appellant from ESI coverage. The appellant had not been making ESI contributions and was not providing the required records. This was a violation of Sections 40 and 26 of the ESI Act. The appellant has reiterated that it did not qualify as an establishment and therefore was not subject to coverage under the ESI Act.

The Court reasoned that the 1948 Act was a progressive piece of legislation meant to provide specific benefits to the workers it covered. Interpreting its provisions narrowly or technically would contradict its social welfare purpose. Furthermore, the Court ruled that the petitioner-club was not eligible for any leniency regarding the payment of interest; they were obligated to fulfill their duties as outlined by the Act. The Court noted that the appellant had avoided making payments as required by the Act. This failure, the Court observed, frustrated the purpose of the Act, as the intended benefits could not be realized due to the non-deposit of funds into the ESI fund.



**CORAM: HON'BLE MR. JUSTICE SUJIT NARAYAN PRASAD AND  
HON'BLE MR. JUSTICE NAVNEET KUMAR**

**LPA 194 of 2021**

*The State of Jharkhand & Ors. v. Binod Kumar Lal & Ors.*

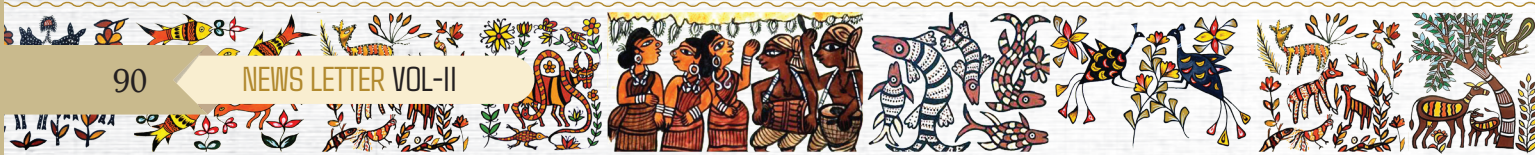
**Reimbursement of expenditure incurred on medical treatment to “indoor” vs. “outdoor” patient.**

The determination of whether a patient should be categorized as “indoor” or “outdoor” depends on the expert judgment of the attending doctors at the respective hospital. The Court has further emphasized that if the medical professionals decide to provide treatment without hospitalizing the patient as an “indoor patient,” then denying reimbursement solely based on the treatment being categorized as that of an “outdoor patient” is not justifiable, and such a distinction in treatment expenditure cannot be considered a reasonable classification.

The petitioner during his tenure as a Section Officer in the Water Resources Department in Ranchi, had his daughter experience vision problems. The medical board of the State Government at RIMS recommended further treatment at either the AIIMS, New Delhi, or Shankar Netralaya, Chennai. She received treatment on five occasions at Shankar Netralaya, each time with the department’s approval. The petitioner duly submitted medical bills, which were signed by the Department Head of Eye at Shankar Netralaya, and requested reimbursement for both travel and medical allowances. While the travel expenses were reimbursed, the medical treatment costs were denied due to the health department’s policy decision, which stated that the petitioner’s daughter was treated as an “outdoor” rather than an “indoor” patient.

The question arose whether permitting the State Government to differentiate between “indoor” and “outdoor” patients for medical reimbursement goes against the principles outlined in Article 21 of the Constitution of India. The respondent pointed out the government circular dated 15.09.2006 whereby it was decided that outdoor patients are not entitled for medical reimbursement, however, they are entitled for traveling allowance only.

Since the said policy decision of the health department is based upon the policy decision of the finance department, the nodal department dated 29.01.2004, wherein there is no conferment of power upon the health department to carve out distinction in between the expenditure incurred as “indoor” or “outdoor” patient. The rejection of the claim, on the basis of a distinction as “indoor” or “outdoor” patient cannot be said to be justifiable.



**CORAM: HON'BLE MR. JUSTICE SUJIT NARAYAN PRASAD AND HON'BLE MR.  
JUSTICE NAVNEET KUMAR**

**LPA 231 of 2021**

*Chandan v. The State of Jharkhand & Ors.*

**Special consideration under the reserved category for positions in the Jharkhand Administrative Service cadre.**

The court stated that the petitioners did not meet the specialized subject graduation requirement mentioned in condition no.3 of the advertisement issued by the Jharkhand Public Service Commission (JPSC). Despite this, the JPSC chose not to cancel their candidature but considered their applications under the reserved category, placing them based on merit.

The petitioners in this case belonged to a reserved category and achieved higher marks than candidates within their own category. However, despite their superior performance, they were treated on par with candidates in the open merit (UR) category and were allocated positions in the Jharkhand Information Service, Planning Service, and Finance Service Cadres. The main concern of the petitioners before the court was that, even though they had outperformed the last selected candidates in the Jharkhand Administrative Services Cadre, they were allocated different services under the open category (UR) instead of being recognized as part of the reserved category.

Under the rules of executive business, the Personnel Administrative Reforms and Rajbhasha Department is the Nodal Department to frame rules and once they had been framed, the same had to be followed by other departments, in view of the said rule being exercised under Article 166(3) of the Constitution. The State had made a policy decision on 31.10.2011, stating that candidates who scored marks equivalent to those of open-category candidates would be considered under the open category. This policy allowed room for other reserved category candidates to avail the benefits of reservation. The Court highlighted that the petitioners had secured marks equal to those of the last selected candidate in the open category and possessed the necessary educational qualifications as outlined in condition no.3 of the advertisement. The Court underlined that recruitment processes should adhere to recruitment rules, regulations, or policy decisions to ensure fairness and transparency. In this case, the State of Jharkhand had introduced a policy decision dated 31.10.2011, which was duly mentioned in the advertisement as clause 8. The selection process had been conducted based on this policy, and the Court found no error in the decision-making process.

**CORAM: HON'BLE MR. JUSTICE SUJIT NARAYAN PRASAD AND HON'BLE MR. JUSTICE NAVNEET KUMAR**

**LPA 630 of 2022**

**Registration of Mining Equipment under the Motor Vehicles Act.**

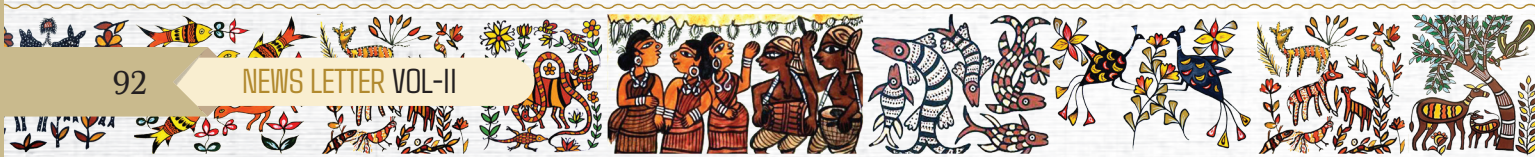
Registration of mining equipment, including drill masters and dumpers is mandatory under the Motor Vehicles Act. However, the Court has further said that the issue of whether a vehicle is taxable or not will depend upon the test as to whether the vehicle is proposed to be used for transporting goods from one place to another.

For the purpose of mining coal, the petitioner purchases heavy earth-moving equipment and exclusively uses them within the leasehold area. These vehicles, including Haulpak Dumpers, Water Sprinklers, Excavators, Dozers, Drillers, etc., are substantial in size and incapable of plying on roads. Manufacturers categorized them as “off-road vehicles” for excise duty and other taxes. The petitioner did not apply for the registration of these vehicles under the provisions of the Motor Vehicle Act and rules made thereunder, as the said vehicles do not fall within the definition of “motor vehicle” or construction equipment vehicle.

The central issue before the court revolved around whether the vehicles in question fell within the ambit of Section 2(28) of the Motor Vehicles Act, 1988.

Highlighting a precedent set by the Apex Court in the case of Bolani Ores Ltd. V. State of Orissa (1974) 2 SCC 777, the court emphasized that vehicles like dumpers or rockers are indeed considered motor vehicles requiring registration. The Apex Court’s reasoning in that case emphasized the importance of registration to ensure the safety of passengers and goods, as well as to maintain control over these vehicles. The court further clarified that registration is necessary, and the applicability of the Taxation Act depends on whether the vehicle is used within the owner’s premises.

In addition to the Bolani Ores Ltd. case, the court referred to the Natwar Parikh & Co. Ltd. Vs. State of Karnataka & Ors (2005) 7 SCC 364, which introduced a test to determine if a vehicle is used for transporting goods. This test focuses on assessing whether a vehicle is adapted for goods carriage, a critical factor in determining tax liability.



**CORAM : RONGON MUKHOPADHYAY. AND DEEPAK ROSHAN, JJ.**

**Section 27(1) (d) of the Special Marriage Act.**

*Dhipram Chanda Vs. Munmun Chandra*

**F.A. No. 144 of 2019**

**Decided on 20.12.2023**

In this case, the appellant filed a suit seeking dissolution of marriage with the respondent under Section 27(1)(d) of the Special Marriage Act, alleging cruelty. The respondent has countered such allegation by denying the same and supplementing such denial with instances which according to her is conclusive to the effect that it was the respondent who was at the receiving end of such torture committed by the petitioner. The court held that The evidence of the petitioner (P.W.-1) does not give any indication that he had tried to make efforts to save the marriage or had tried to convince the respondent of her duties and responsibilities. Most of the allegations levelled by the petitioner are innocuous in nature and are more of a normal wear and tear which generally occurs in a matrimonial relationship. The respondent is a working lady and if what has been stated by the petitioner is construed to be true, her disinclination in getting involved in domestic chores is understandable. The allegation of cruelty seems to be the other way around as the respondent on account of the torture committed upon her had to resort to filing a criminal case against the petitioner and as a consequence the petitioner had to remain in custody for about a month. The petitioner has also impliedly denied the paternity of the child as in his evidence as P.W. 1 he has shown his ignorance about the existence of the child though at the same time, he has come to know about the same from the respondent who had disclosed about such fact to him. The father of the petitioner who has been examined as P.W. 2 has also denied that the petitioner has fathered the child. Thus the court found that the appellant failed to prove the grounds for dissolution of marriage based on cruelty. Consequently, this appeal stands dismissed.

**CORAM : RONGON MUKHOPADHYAY, J.**

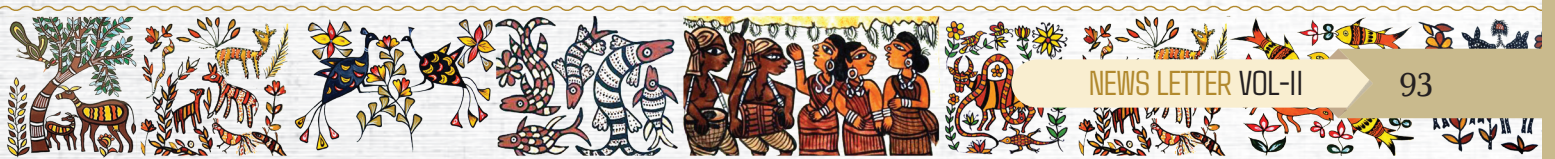
**W.P.(S) No. 2258 of 2020**

**Decided on 20.12.2023.**

*Rekha Verma Vs. High Court of Jharkhand*

**Constitution Of India, Article 226.-Compassionate Appointment**

In this case, the petitioner had made an application for compassionate appointment before the Registrar General of the Court after death of her husband . Her claim was however rejected on basis of complaint filed in 2010 and terms agreed upon for mutual



divorce. The court observed that Human relationship is very complex and it cannot be assumed that merely because the relationship was strained at a particular point of time, there is no chance of improvement in the future. Moreover, an application under Section 13-B of the Hindu Marriage Act, 1955 does not necessarily in all cases come to a logical conclusion for which such applications are filed, as such applications also have to undergo various stages. The scenario in the present case is considerably different as admittedly no petition under Section 13-B of the Hindu Marriage Act, 1955 was preferred, rather a draft petition was prepared which petered out due to the death of the husband of the petitioner. This draft petition does not have any credibility and should not have formed the backbone of the report of the committee dated 18.12.2015. The petitioner was the wife of the deceased employee and her status as widow of late Munna Ram cannot be made to evaporate simply on account of an assumption of an act which would/may have been undertaken had her husband been alive. Once the status of the petitioner is established as noted above as a natural corollary, her other claims including the claim for compassionate appointment would breathe legitimacy into it. This Application is allowed.

**CORAM : RONGON MUKHOPADHYAY,J.**

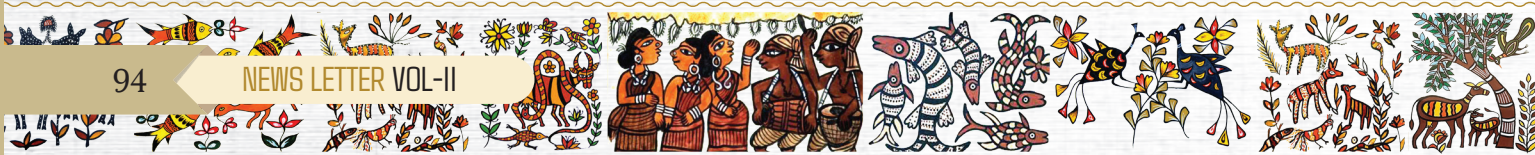
**W.P.(S) No. 3676 of 2020**

**Decided on 27.07.2023**

*Radha Mohan Sharma v. State of Jharkhand.*

**Constitution Of India, Article 226.- Assured Career Progression ('ACP') -**

**In this casen,date of ACP benefit given to petitioner was shifted on account of petitioner not having passed departmental examination.** It is an admitted fact that the petitioner was eligible for the grant of ACP benefit w.e.f. 31.01.2003 and no departmental examination was held prior to the grant of the said benefit. The departmental examination was held subsequent to 31.01.2003, in which, the petitioner had participated and was also successful. Merely because the departmental examination was not conducted by the department the same would not negate the claim of the -5- petitioner for grant of ACP benefit from the date, he has completed 12 years of service. It also appears that the petitioner had qualified in all respects and was eligible for being granted the ACP benefits w.e.f. 31.01.2003 which seems to have been curtailed on account of a frivolous ground taken by the respondent nos. 1 to 3 that the petitioner did not pass the departmental examination as was necessary though it appears that the respondent nos. 1 to 3 were oblivious to the fact that no departmental examination was held prior to the petitioner becoming eligible for the grant of ACP benefits i.e. with effect from 31.01.2003. Hence, the court observed that the petitioner was never at fault as prior to his becoming eligible for being granted the ACP benefit on completion of 12 years of spotless service, hence the respondent cannot take the plea of the petitioner having not passed the departmental examination. This writ application stands allowed.



**CORAM : RONGON MUKHOPADHYAY,J.**

**W.P.(S) No. 2675 of 2023**

**Decided on 21.07.2023**

*Sundeep Sinha vs Union of India*

**Constitution Of India, Article 14 malice or arbitrariness.**

In this case, the petitioner who was currently posted as Chief General Manager, MECON had applied for the post of Director (Projects) but his name did not figure in list of shortlisted candidates for the said post. Petitioner was primarily engaged in contract related jobs and his designation itself was a pointer to same for last decade. The foundation for being considered for shortlisting is the experience/exposure in the fields earmarked for each of the candidates but none of the petitioners fulfil the requisite criteria. Mr. Sinha though has submitted that the write ups given by the candidates compressed in three pages cannot give a holistic view of a career spanning more than three decades and the multidimensional tasks undertaken during such tenure but at the same time it must be remembered that a summarized career details and a vision statement does give an insight as to whether a candidate on the basis of his qualification and experience comes within the zone of consideration or not. The comparative experience/exposure of the petitioners vis a vis other candidates have also been highlighted by the learned counsel for the petitioners but the same is hardly of any significance in view of the petitioners having failed to justify their candidature as suitable for being shortlisted. The court observed that An expert body's opinion is not subjected to judicial review unless it is actuated with malice or abound with arbitrariness. The court further held that the entire scenario as depicted above did not at all indicate arbitrariness or malice on the part of the Public Enterprises Selection Board and as a consequence to the discussions made, the court did not find any merit in these writ applications. Writ applications dismissed.

**CORAM : RONGON MUKHOPADHYAY. AND RAJESH KUMAR, JJ.**

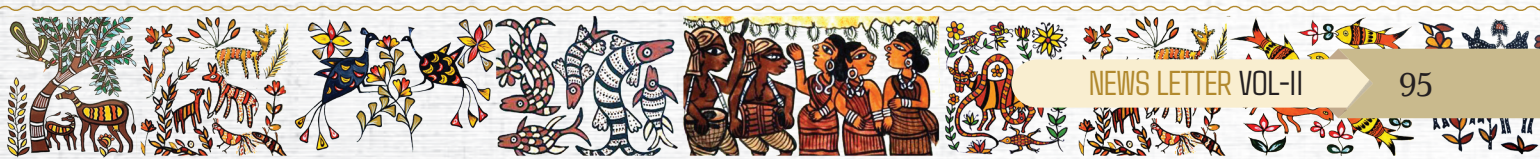
**Criminal Appeal (D.B.) No. 201 of 2020**

**Decided on 03.10.2023**

*Binod Kumar and Others Versus Union of India through  
National Investigating Agency*

**Section 43-D (5) of the UA(P) Act and Article 21 of the Constitution of India.**

This appeal is directed against the order dated 29.01.2020 passed by the learned Judicial Commissioner cum Special Judge, N.I.A. at Ranchi in connection with Special (N.I.A.) Case No. 2 of 2018 Vide RC-02/2018/NIA/DLI arising out of Bero P. S. Case No. 67 of 2016



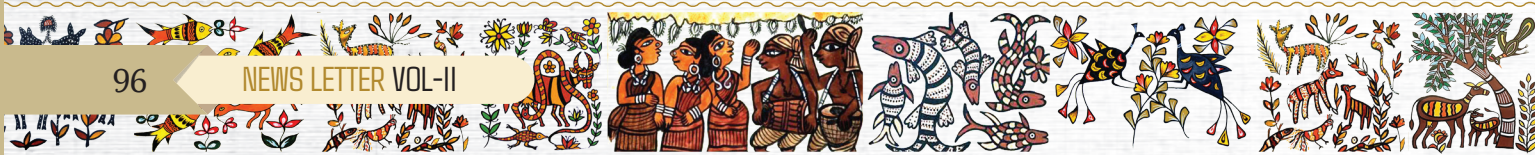
registered for the offences punishable under sections 212, 213, 414, 34 of the Penal Code, 1860, Sections 13, 17 & 40 of the Unlawful Activities (Prevention) Act, 1967 and Section 17 of the Criminal Law Amendment Act whereby and whereunder the prayer for bail of the appellant has been rejected. The court following various judgments of this court and Apex court observed that the liberty guaranteed in Part III of the Constitution would cover within its protective ambit not only due procedure and fairness but also access to justice and a speedy trial is imperative and the undertrials cannot indefinitely be detained pending trial. Once it is obvious that a timely trial would not be possible and the accused has suffered incarceration for a significant period of time, the courts would ordinarily be obligated to enlarge him on bail. The court further observed that deprivation of personal liberty without ensuring speedy trial is not consistent with Article 21 of the Constitution of India. While deprivation of personal liberty for some period may not be avoidable, period of deprivation pending trial/appeal cannot be unduly long. At the same time, timely delivery of justice is part of human rights and denial of speedy justice is a threat to public confidence in the administration of justice. Under the above observation, the court allowed this appeal.

### CORUM: HON'BLE MR. JUSTICE ANANDA SEN

#### *Rubi Sinha vs Bharat Coking Coal Limited (BCCL) & Ors , WPS No 836 of 2019*

In the case (Rubi Sinha vs Bharat Coking Coal Limited (BCCL) & Ors , WPS No 836 of 2019) while dealing with an appointment on compassionate ground, the court held as under:-

- Scheme of compassionate appointment is an exception to the provision of Article 14 and 16 of Constitution of India.
- Rules or scheme framed for grant of compassionate appointment, should be strictly followed.
- There should be strict compliance of the scheme of compassionate appointment, no deviation from the said scheme is permissible.
- Compassionate appointment can be made or directed to be made only if it comes within the four corners of the rules or scheme framed thereunder.
- Married daughter is not entitled for compassionate appointment de hors the scheme.
- Such rejection of appointment on ground of compassionate should not come in the way of the wife of deceased to claim monetary compensation.



## CORUM: HON'BLE MR. JUSTICE ANANDA SEN

### *Sanjeev Kumar Singh vs State of Jharkhand & Ors, W.P. (PIL) No 6341 of 2022*

In the case (Sanjeev Kumar Singh vs State of Jharkhand & Ors, W.P. (PIL) No 6341 of 2022), PIL was filed to seek directions on improvements of amenities in the Maa Chhinnamastike Temple in Rajrappa.

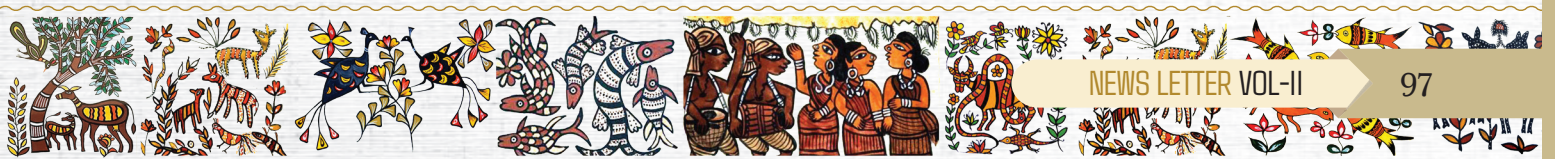
The Court acknowledged its importance for pilgrims for Hindus and the issue of lack of basic necessities at the Temple and gave certain direction to the Department of Tourism, Government of Jharkhand and The District administration, Ramgarh for compliance. The court directed to construct adequate number of proper bathing ghats on both sides of Bhairavi River, adequate number of changing rooms near ghats, proper lighting facilities at the banks of Bhairavi River, first aid medical facility, approach road from each of the ghats to the temple should be free from all encroachments and obstructions and many more.

The court further observed, "Several devotees from different parts of the country visit this temple regularly and during festive seasons and on special occasions the visit of pilgrims multiplies by few folds. Many devotees take holy dip in the Bhairavi River and then offer their prayers to the Goddess. As this place is visited by large number of pilgrims from the entire country, it is necessary that the District Administration provides basic facilities to the pilgrims like washrooms, waiting halls, etc."

## CORUM: HON'BLE MR. JUSTICE ANANDA SEN

### *Society for Preservation of Tribal Culture and Natural Beauty vs Archaeological Survey of India & Ors ,W.P.(PIL) No 6570 of 2022*

In the case (Society for Preservation of Tribal Culture and Natural Beauty vs Archaeological Survey of India & Ors ,W.P.(PIL) No 6570 of 2022), PIL was filed to declare, protect, restore and preserve the historical monument "Tagore Hill" and its associated structures, including "Brahmo Mandir", "Kusumtal", "Shanti Dham" and "Samdhisthal". The central issue revolved around the Archaeological Survey of India's (ASI) rejection of declaring these structures as "ancient monuments" of national importance and state government not taking appropriate measures to protect, restore and preserve the same. The court while interpreting the condition required to declare ancient monument as national importance should be of more than 100 years old under Section 4 or Section 2 read with Section 2(a) of the Ancient Monuments and Archaeological Sites and Remains act, 1958 , held that period of 100 years cannot be treated to be the period prior to promulgation of the Act. What has to be seen is that the structure, on the date of issuance of notification under



Section 4 of the Act, should be 100 years old or more and the structure is of historical, archaeological or artistic interest. The Court prima facie found Brahma Mandir and its associates structures to be of more than 100 years old.

The Court further acknowledged the historical and cultural significance of Tagore Hill and its structures and stressed by citing two books “Jyotirindranather Jiban-Smriti” by Vasantakumar Chattopadhyay and another titled “Jyotirindranath,” which are prima facie dating back 100 years and directly linked to Gurudev Rabindranath Tagore’s family and given certain directions. The Court directed the restoration of Shanti Dham, development of pathways and staircase which leads to the structures of “Tagore Hill”, proper lighting arrangement, adequate numbers of hygienic washrooms, proper drinking water facilities, sitting arrangements like benches, adequate waste disposal bins, plastic free zone, signboards, remove of all encroachment and illegal constructions and many more.

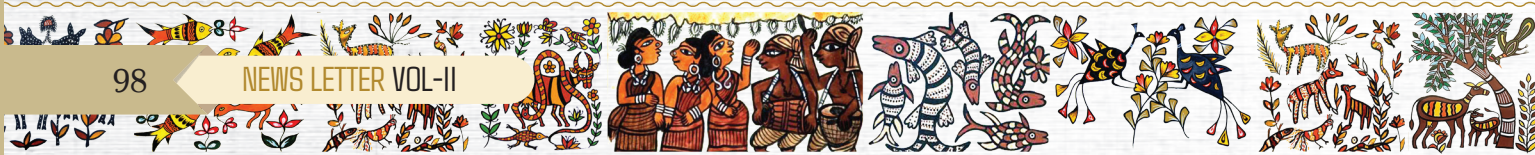
The Court further observed that “present generation is only the custodian of the art, culture and heritage of the land, which they inherit from their previous generation not only for the purpose of basking in its glory, but also to preserve them and hand them over to the next generation. We hold these art, culture and heritage as a trustee and it is our duty to preserve and maintain the same and pass it on to our future generation. Future generation will not forgive us if we destroy these, which we have inherited. So, all efforts must be taken to preserve our heritage, art and culture so that our future generations feel proud about their past”.

### CORUM: HON’BLE MR. JUSTICE ANANDA SEN

#### *Nitesh Kumar Singh vs State of Jharkhand & Ors, W.P.(C) No 4665 of 2018*

In the case (Nitesh Kumar Singh vs State of Jharkhand & Ors, W.P.(C) No 4665 of 2018) while dealing with admitted dues payable to petitioner in road construction tender matter. The case is related to claiming of money dues arising out of a contract. The Court held as under: -

- Order XII Rule 6 of the Code of Civil Procedure confers discretionary power to a Court, which may, at any stage of the suit, give a judgment on admission made by a party. Though Code of Civil Procedure is not applicable to writ jurisdiction, but the underlying principle of Order XII Rule 6 of the Code of Civil Procedure can be applied when the issue is related to any admitted claim.
- The nature of admission to bring a money claim within the ambit of “admitted dues”, a party must raise a claim of money and there has to be specific claim with an assertion that the dues are admitted by the other side. Once the said claim is made, the person against whom the said claim is made, must admit the claim made



by the former. The said admission must be clear, specific and unambiguous, then only the same can be used against the person making them. The admissions have to be clear and must have a binding effect on the person making such admission.

- In a contractual matter, if there is a disputed question of fact and the facts which have been pleaded need to be proved by evidence, the Court exercising jurisdiction under Article 226 of the Constitution of India, should relegate the parties before a Civil Court. Further, when a party claims any relief, which they are claiming to be admitted by the other side, then the Court has to see that the admission is conscious, unambiguous and categorical and the person is showing intention that he is bound by it.

### **CORUM: HON'BLE MR. JUSTICE ANANDA SEN**

#### ***Gautam Coal Works Private Limited vs Central Coalfields Limited (CCL) & Ors, W.P.(C) No 2818 of 2022***

In the case (Gautam Coal Works Private Limited vs Central Coalfields Limited (CCL) & Ors, W.P.(C) No 2818 of 2022), while dealing with application filed to quash the order passed the CCL where fuel supply agreement was terminated, the issue before the court was whether it is mandatory to physically verify the Factory before coming to conclusion as to whether the coal has been diverted or not in terms of Clause 4.4 of Fuel supply agreement. The second issue which was whether the impugned order can be interfered with by invoking jurisdiction under Writ of Certiorari. The Court held as under: -

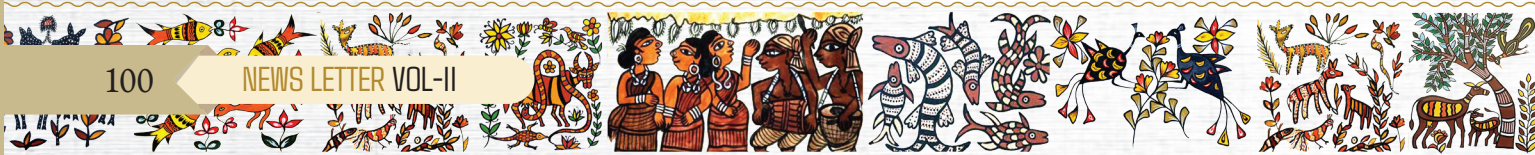
- The simple reading of Clause 4.4. does not suggest physical verification of the factory is mandatory. The only requirement is that there should be satisfaction, from the inspection of documents or from the physical verification of end use of coal, to conclude that the coal is being diverted.
- The Clause 4.4. of the FSA gives option seller i.e. CCL to verify by inspection and call for documents and also gives an option of physical verification of end use, does not physical verification of factory mandatory.
- Any provision of a document cannot be read in isolation. The document must be looked at as a whole and it needs to be discovered what is the purport of the document or a clause is meant and designed to say as to fit the intent of context.
- The Jurisdictional scope of certiorari is limited. While exercising the jurisdiction of certiorari under Article 226 of the Constitution of India, the Court does not sit in an appeal over the order passed by the authority. The jurisdiction is supervisory and not appellate. Evidence cannot be re-appraised. Certiorari jurisdiction can be exercised only to correct the error of jurisdiction.

**CORAM: HON'BLE DR. JUSTICE S.N.PATHAK, J.****WPS No. 6821 of 2019*****Sanjeev Kumar Singh Vs. Union of India & Ors.  
reported in 2023 SCC Online Jhar 1105***

Order of Dismissal- Petitioner has prayed for quashing the order of dismissal passed by the disciplinary authority and which has been affirmed by the revisional and appellate authority. - Admittedly guilt of the petitioner was proved in regular departmental proceeding and the findings of the Enquiry Officer was accepted by Disciplinary Authority and after providing ample opportunity of hearing, the order of punishment was inflicted against the petitioner, which was affirmed by the Appellate Authority, as well as Revisional Authority. Since guilt has been proved in regular departmental proceeding and based on that punishment order has been passed, this Court sitting under Article 226 of the Constitution shall not interfere in the order of punishment. Held, In the case of Union of India v. P. Gunasekaran (supra), the Hon'ble Supreme Court has held that the High Court in exercise of its power under Article 226 and 227 of the Constitution of India shall not venture into re-appreciation of the evidence. Further, in the case of Deputy General Manager (Appellate Authority) v. Ajay Kumar Srivastava, (2021) 2 SCC 612, it has been held that the power of judicial review, of the constitutional courts, is an evaluation of the decision-making process and not the merits of the decision itself. - No interference is warranted - Writ Petition stands dismissed.

**CORAM: HON'BLE DR. JUSTICE S.N. PATHAK, J.****WPS No. 5290 of 2021*****Shyam Nandan Singh Vs. State of Jharkhand & Ors.  
Reported in 2023 SCC Online Jhar 2739***

Pensionary Benefits- Petitioner has prayed for the count of past services for the purpose of pensionary benefits- Petitioner was appointed on work-charge basis to the post of Keyman-cum-Chaukidar- He has been regularized but with a rider that actual benefits will be given from the date of confirmation and not from the date of appointment- In view of the judgement of Hon'ble Apex Court in case of State of Jharkhand Vs. Bir Kuar Paswan, the petitioner cannot be deprived of his pensionary rights and admittedly the past service rendered by the petitioner shall be counted for the purpose of pension and other consequential benefits. Held, that the order passed by the respondents dated 18.09.2021 whereby the petitioner has been regularized but they have denied to count past services is fit to be quashed and set aside- further directed to grant past services and extend pensionary benefits.



**CORAM: HON'BLE DR. JUSTICE S.N.PATHAK, J.**

**WPS No. 1755 of 2023**

***Anil Kumar Sharma Vs. Jharkhand State Forest Developments Corporation & Ors.***

Petitioner has prayed for quashing the order issued by Addl. Principal Chief Conservator of Forest-cum-Managing Director whereby representation for withdrawal from Voluntary Retirement Scheme and reinstatement in services has been rejected. Further 44th Board Meeting has taken decision in favour of petitioner and issue was resolved as per the opinion obtained from the Advocate General. Without considering the recommendation-order was passed. In view of Rule 74 of Jharkhand service Code, employee is relieved from the duty after acceptance of the offer of voluntary retirement or resignation, the jural relationship of employer-employee does not come to an end and resignation was never notified. Therefore, it is open for respondents to reconsider the case for continuation into the service.

Held, the order passed by the Respondents is hereby quashed ad set aside- further, it is open for the respondents to allow the petitioner to withdraw himself from VRS and by re-instate him, extending him all consequential benefits.

**CORAM: HON'BLE DR. JUSTICE S.N.PATHAK, J.**

**WPS No. 3429 of 2023**

***Avinash Kumar Vs. Union public Service Commission & Ors.***  
***reported in 2023 SCCOnline Jhar 1329***

Service Law- Petitioner has prayed for issuing direction to the respondents to resend name of petitioner as the petitioner's name does not find place in the provisional merit list made by UPSC for consideration of State Cadre Police Officers. - preliminary objection relating to maintainability of writ petition has been challenged and question has been raised that "Whether in a situation when there is an alternative forum available for redressal of the grievances ie. CAT, this court can exercise its jurisdiction under Article 226 of the Indian Constitution?" Similar issue fell for consideration in case of Vinay Kumar Pandey Vs. State of Jharkhand reported in (2003) 4 JLR 382- the power is vested in High Court to exercise judicial superintendence over the decision of all courts and the tribunal over the respective jurisdiction and amendable to scrutiny by the Division Bench under Article 226 & 227 of the Constitution of India- it is not open for the litigants to directly approach before High Court even in cases where the question of virus of legislative



legislation except where legislation which created the particular tribunal is challenged by overlooking the jurisdiction of the tribunal concerned- Held, The petitioner to approach before Central Administrative Tribunal at the first instance for redressal of his grievance. Writ petition is not maintainable- fit to be rejected. Hereby dismissed.

**CORAM: HON'BLE DR. JUSTICE S.N. PATHAK, J.**

**CR No. 16 of 2007**

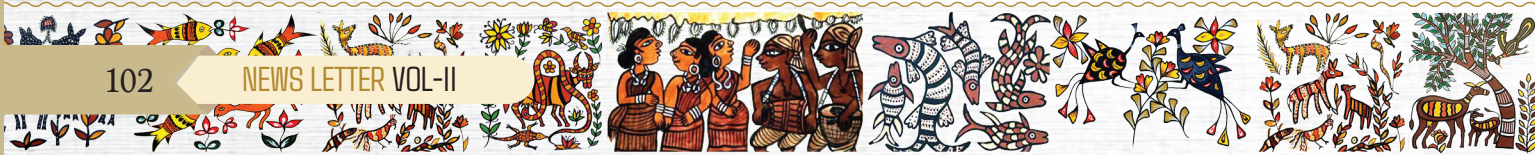
***Mr. Syed Asif Hussain & Ors. Vs. Seraj & Ors.***

Petitioner has filed a Civil Revision against the judgment passed by the Learned Additional Munisf-II, Dhanbad in Title (Eviction) Suit No. 102 of 1990, whereby the trial court for eviction in purported exercise of power under Section 14 of the Bihar Building (Lease, Rent and Eviction) Control Act, 1982.- Original Plaintiff is the landlord as per section 11(1) (c) of Bihar Building (Lease, Rent and Eviction) Control Act, 1982 and required her premises on the ground of personal necessity- Original Plaintiff being the tenant cannot deny the title and he is estopped from denying as per Section 116 of Evidence Act- Therefore, once the original defendant accepted that original plaintiff is a landlord/landlady, cannot now turn around – Further, tenant was induced by the landlord/landlady and the tenant proceeded to occupy and enjoy the grant of that tenancy, he cannot challenge the title later on.-Held, the findings of the Trial Court is neither perverse nor unreasonable nor patently illegal- there is no merit in this Civil Revision- Dismissed.

**CORAM: SRI RAJESH SHANKAR, J**

***Ratan Heights Residential Society & Another Vs. Ranchi Municipal Corporation, Ranchi & Others (W.P.(C) No. 5734 of 2022 with other analogous cases)***

In the case of Ratan Heights Residential Society & Another Vs. Ranchi Municipal Corporation, Ranchi & Others reported in 2023 (4) JBCJ 2, the Ratan Heights Residential Society and the flat owners were challenging the sanction of the map of a new commercial-cum-building over remaining 46 kathas of land out of total area measuring 86 Kathas claiming that the same has been left for common area and facilities for the use of the flat owners. In the said case the Bench held that in the sanctioned map of the said building as well as in the affidavits filed for the said purpose, the previous builder as well as landowners had represented that the building was being constructed over entire 86 Kathas of land. The Bench rejected the claim of the landowners that the map of the building was subsequently revised and observed that the L.S Case No. 39 of 2009 was filed for different purpose wherein a map was filed by



the landowners without having seal or signature of the competent authority which could not be treated as revised map of the said building. The Bench further observed that the new building which was under construction over 46 Kathas of land was threat for the inhabitants of the previous building. The Bench also observed that by permitting the landowners to file application for sanction of map of a building to be constructed over 46 Kathas of land, the Municipal Commissioner, Ranchi, in fact, made part of the existing building as illegal.

Finally, the Bench directed the landowners and new builder to demolish the construction made over 46 Kathas of land and hand over the same to the Flat owners which would be used as common area and facilities.

**CORAM: SRI RAJESH SHANKAR, J**

***Jharkhand Quraish Panchayat and Shopkeeper Welfare Society, Ranchi & Another Vs. The State of Jharkhand & Others***  
***(W.P.(C) No. 5175 of 2018)***

In the case of Jharkhand Quraish Panchayat and Shopkeeper Welfare Society, Ranchi & Another Vs. The State of Jharkhand & Others reported in 2023 SCC Online Jhar 1192, the mutton sellers carrying on their business within the municipal area of Ranchi Municipal Corporation (RMC), Ranchi were challenging the public notice issued by the Municipal Commissioner, Ranchi Municipal Corporation, Ranchi whereby they were directed to ensure that slaughtering of animals (goat/sheep) for supplying mutton must be done only at the Municipal Slaughter House situated at Kanke, Ranchi w.e.f 18.10.2018 or to get hygienic mutton from the five model mutton shops established by the RMC at fixed places specified in the said public notice.

The Bench quashed the said public notice by holding that though Article 19(6) of the Constitution of India provides for imposing reasonable restrictions on exercise of the right to practice any profession in the interest of the general public, complete ban on slaughtering of animals for sale by the private individual cannot be said to be a reasonable restriction, that too when the existing municipal law i.e. the Jharkhand Municipal Act, 2011 itself provides for fixing of area for slaughtering as well as grant of license to private individuals for slaughtering of animals for which a regulation is required to be made by the Municipality.

The Bench held that the municipal authority has a role to play in fixing the places for setting up slaughter houses and to that extent the provisions of Section 89 of the Food Safety and Standards Act, 2006 as well as the Food Safety and Standards Regulations, 2011 have to be read in harmony with Sections 315 & 327 of the Act, 2011. The Bench finally directed the RMC to frame a regulation covering the subjects as mentioned in Sections 315 & 327 of



the Act, 2011 including making provision to grant licence to private slaughter houses and to get approval on the same by the State Government as mandated under Section 594 of the Act, 2011 after considering the provisions of the Act, 2006 and the Regulations, 2011.

**CORAM: SRI RAJESH SHANKAR, J**

***Sri Ram Krishna Seva Sangh Vs. The State of Jharkhand & Others (W.P.(C) No. 1151 of 2020) with another analogous case***

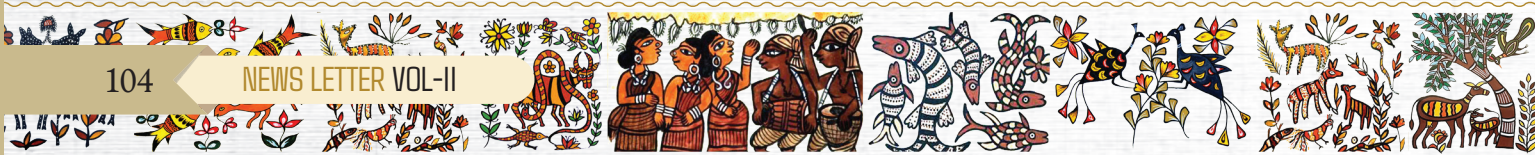
In the case of Sri Ram Krishna Seva Sangh Vs. The State of Jharkhand & Others reported in 2023 SCC Online Jhar 1302 two factions of Sri Ram Krishna Sangh – the Society were fighting for management of the Society and the inspector General of Registration, Jharkhand had issued ‘certificate of amendment’ in the executive committee of the Society in favour of one of the factions led by Sukrit Bhattacharjee which was opposed by another faction led by Abhay Kumar Mishra.

The Bench held that the Inspector General of Registration had no jurisdiction to adjudicate inter-se dispute existing between the two factions of the society. Looking to the nature of dispute between the parties, the bench held that it would be the best course to conduct free and fair election for constitution of a new executive committee of the Society so as to resolve the existing dispute between both the factions.

The Bench further observed that the rival dispute among the members of a Society with respect to genuineness of the Constitution of executive committee is increasing day by day and in view of the present provisions of the Act, 1860 read with Rules, 1965, the aggrieved parties have to move before the civil court and in a given situation before High Court, which does not only put extra burden on the court but also cause delay in adjudication of the dispute which adversely affects the smooth functioning of the Society and since, the Government of Bihar has already framed Bihar Societies Registration Rules, 2018 to overcome the said situation, the Government of Jharkhand should also frame new rules or amend the existing rules so that the dispute between two or more factions of society with respect to constitution/formation of the governing/executive committee may be expeditiously adjudicated by the Inspector General of Registration after making due enquiry and providing opportunity of hearing to the concerned parties.

**CORAM : SRI RAJESH SHANKAR, J**

***Shivendra Kumar Vs. The State of Jharkhand & Others (W.P.(C) No. 264 of 2019)***



In the case of Shivendra Kumar Vs. The State of Jharkhand & Others reported in 2023 (4) JCR 619 (Jhr) the claim of the petitioner was that while he was posted as District Superintendent of Education, Ranchi, one applicant namely Ajay Vid - the respondent no. 4 filed an application under the Right to Information Act, 2005 which was immediately forwarded by him to the Block Education Extension Officer, Bundu to provide information to the applicant as the information sought was related to his office and as such, if any default was committed in not giving information to the respondent no. 4, the Block Education Extension Officer, Bundu could only be held responsible for the same.

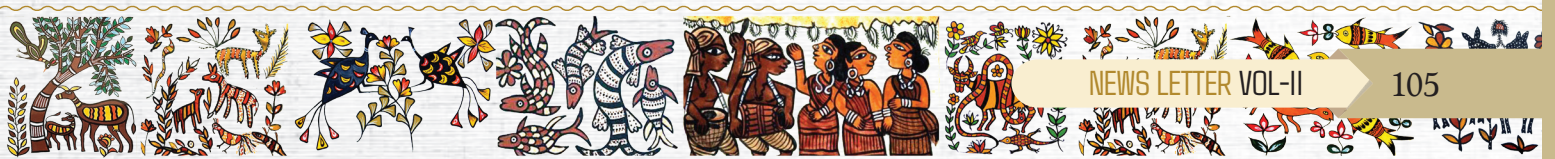
The Bench held by observing the various provisions of the Right to Information Act, 2005 held that when an application is filed seeking information before the designated PIO and the same is held by or connected with the same public authority, the said PIO is duty bound to deal with the application seeking information and to dispose of the same within the timeframe provided under section 7(1) of the Act, 2005. The designated PIO while discharging his/her function may take assistance of any other officer and if that officer fails to provide proper assistance to the designated PIO, then the said officer shall be treated as deemed PIO for the purpose of contravention of the provisions of the Act, 2005. However, if the information sought is related to the same public authority, application cannot be transferred by the designated PIO to any other officer or to the deemed PIO, rather he/she has the statutory obligation to dispose of the application under Section 7(1) of the Act, 2005 himself/herself and while doing so he/she may take assistance of such other officer. The transfer of application of the applicant is to be made only if the information relates to or closely connected with another public authority.

**CORAM: SRI RAJESH SHANKAR, J**

***Dhananjay P. Raipat Vs. Ranchi Municipal Corporation & Others***  
***(W.P.(C) No. 3742 of 2022)***

In the case of Dhananjay P. Raipat Vs. Ranchi Municipal Corporation & Others reported in 2023 (4) JBCJ 696 the petitioner was aggrieved with the order passed by the Municipal Commissioner, Ranchi Municipal Corporation, Ranchi whereby he was directed to demolish of three rooms constructed by him on the ground floor of the apartment in deviation of the sanctioned plan.

The Bench by referring to section 426 of the Jharkhand Municipal Corporation Act, 2011 held that any alteration or modification of an existing building was not permissible unless the approval was accorded by the competent authority. The Bench observed that on conjoint reading of Clause 77.1, 77.2 and 77.3 of the Jharkhand Building Bye-Laws, 2016, it would be evident that compounding of any deviation cannot be claimed as a matter of right rather the Authority has the power to decide as to whether compounding may be



allowed or not. The word “may” used in Clause 77.3 of the Bye-Laws, 2016 also reflects that compounding is not mandatory rather directory.

It was further held that condonation of deviation from the sanctioned building plan where the right of several persons is adversely affected, should not be allowed in a routine manner, rather the concerned authority should also keep in mind the interest of the flat owners. It was also held that such practice adopted by the builders should be deprecated so as to protect the interest of the flat owners who purchase the flats after relying on the building plan sanctioned prior to the construction.

## CORAM : HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

Cr. M.P. No. 2663 of 2021

*Sanjay Rajoria*

*Versus*

*The State of Jharkhand*

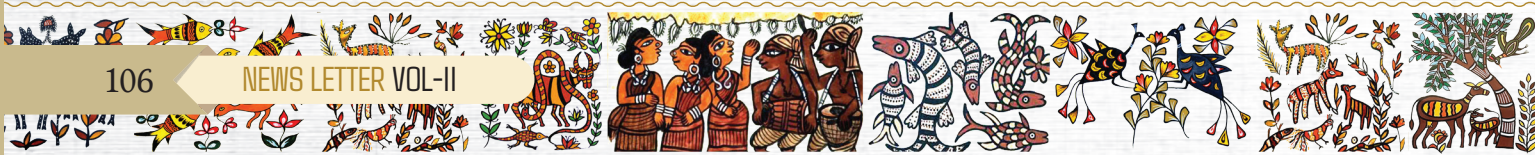
**Decided on – 31.10.2023**

### FACTS:

This criminal miscellaneous petition has been filed invoking the jurisdiction of this Court under Section 482 Cr.P.C. with a prayer for quashing the order dated 04.09.2021 passed in Criminal Revision No. 282 of 2004 passed by the learned Additional Sessions Judge-IX-cum-Special Judge, POCSO, Dhanbad whereby and where under, the learned Additional Sessions Judge-IX-cum-Special Judge, POCSO, Dhanbad dismissed the said criminal revision. Further prayer has been made to quash the entire criminal proceeding including the order dated 13.09.2004 by which the learned Judicial Magistrate 1st Class, Dhanbad in C.L.A. Case No.545 of 2003 rejected the petition of the petitioner for discharge and order dated 05.10.2004 by which the learned Judicial Magistrate 1st Class, Dhanbad in the said C.L.A. Case No.545 of 2003 rejected the petition filed by the petitioner for dropping the case as cognizance was taken beyond the period of limitation as prescribed under Section 27 of the Contract Labour (Regulation & Abolition) Act, 1970.

### Decision and Observations

This court observed that it is not open to a person aggrieved to raise one plea after the other by invoking the jurisdiction of the High Court under Section 482 Cr.P.C. though all such pleas were very much available even at the first instance and permitting the filing of successive petitions under Section 482 Cr.P.C. ignoring the principle would enable an ingenious accused to effectively stall the proceedings against him to suit his own interest and convenience.



It further held that the learned Magistrate, does not have the power to drop the entire criminal proceeding; once it has rejected the prayer to discharge the accused. Since the trial court was not having the jurisdiction to drop the entire criminal proceeding on the ground that cognizance was taken 12 days beyond the period of limitation, so the trial court has rightly rejected the same. Since the trial court has rightly rejected the said prayer to drop the entire criminal proceeding, so the learned Additional Sessions Judge could not have said, that the Magistrate has committed any illegality in its order dated 05.10.2004; hence, the natural corollary is that the criminal revision, was to be dismissed and exactly the same has been done by the learned Additional Sessions Judge, in the impugned order.

**CORAM : HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY**

**Cr. M.P. No. 3239 of 2022**

*Blue Dart Express Limited*

*Versus*

*The State of Jharkhand and Another*

**Decided on – 23.11.2023**

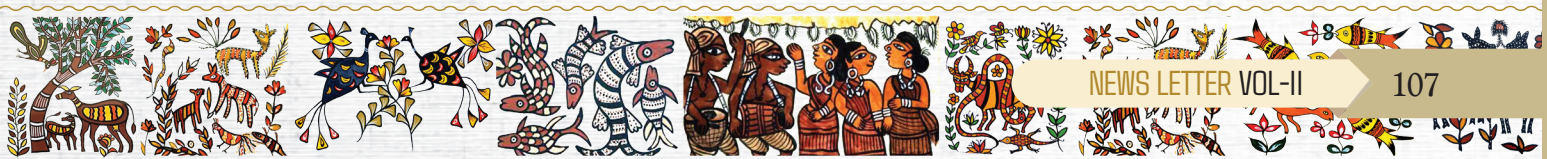
**FACTS:**

This criminal miscellaneous petition has been filed invoking the jurisdiction of this Court under Section 482 Cr.P.C. with a prayer to quash the entire criminal proceeding arising out of Complaint Case No. 177 of 2020 including the order dated 14.06.2022 whereby the learned Sub-Divisional Judicial Magistrate, Jamshedpur took cognizance of the offences punishable under Sections 406/420 of the Indian Penal Code against the petitioner as well and further directed the office to issue summon.

**Decision and Observations**

This court observed that it is a settled principle of law that every breach of contract would not give rise to an offence of cheating and only in those cases the breach of contract would amount to cheating; where there was any deception played at the very inception. If the intention to cheat has developed later on, the same will not amount to cheating.

Further, it held that there is absolutely no allegation against the petitioner of having played any deception since the beginning of the transaction between the parties nor there is any allegation against the petitioner of having any criminal intent or being personally involved in the transactions made by the said company M/s. Blue Dart Express Limited with the proprietorship firm of the complainant-opposite party no.2.



**CORAM : HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY**

**F.A. No. 150 of 2015**

**Mahadeo Oraon**

**Versus**

**Union of India, through Defence Estate Officer, Danapur Cantt. and Others**

**Decided on – 03.08.2023**

**FACTS:**

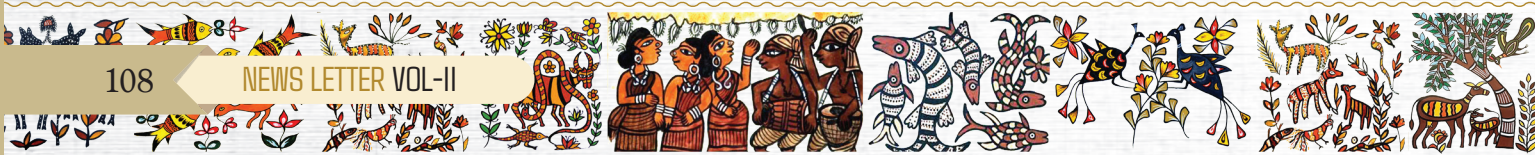
This appeal filed under Section 11 of the Requisition and Acquisition of Immovable Property Act, 1952 have been preferred against the award dated 03.07.2015 in Arbitration Case No. 01 of 2014 passed by the learned Sole Arbitrator whereby and where under, the learned Sole Arbitrator has passed the award in paragraph no.21 in which it ordered that the award shall be calculated on the formula mentioned therein.

**Decision and Observations**

The sole point for determination which crop up in this appeal is:

Whether the findings of the sole Arbitrator inter alia that the appellant claimant no.1 receiving compensation without protest is illegal and liable to be set aside?

The undisputed fact remains that the appellant claimant no.1 himself was examined as a witness before the learned Sole Arbitrator under oath. There is no material in the record to suggest that he was under any disability. The deposition was recorded by the arbitrator who is a former Judge of this Court. There is no dispute that in no uncertain manner, the appellant claimant no.1 has stated in his cross examination that no protest was made by him at the time of receiving the compensation and the finding arrived at by the learned Sole Arbitrator was on such categorical deposition of the appellant claimant no.1, this Court does not find any illegality in the finding of facts arrived at by the learned Sole Arbitrator when such finding of facts was on the categorical statement made by the appellant C.W.1 who appeared before the learned Sole Arbitrator and the learned Sole Arbitrator had the opportunity of seeing the demeanor of the appellant claimant no.1 as a witness.



**CORAM : HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY**

**M.A. No.266 of 2019**

*Branch Manager, National Insurance Company Limited*

*Versus*

*Devanti Devi and Others*

**Decided on – 08.08.2023**

**FACTS:**

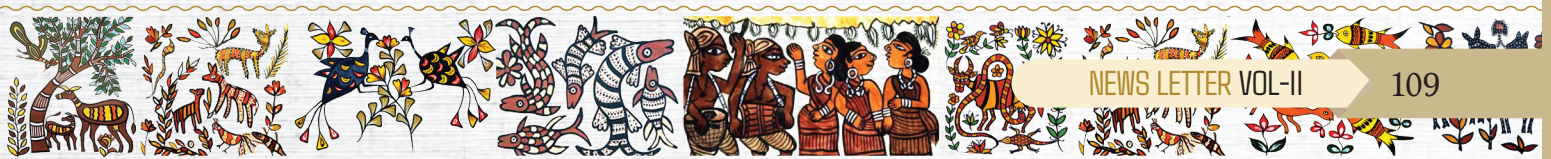
This appeal, under Section 173 of the Motor Vehicles Act, 1988 has been preferred against the Judgment and Award dated 18.02.2019 passed by Learned Principal District Judge cum Presiding Officer, Motor Accident Claim Tribunal, Koderma, in Motor Accidents Claim Case No.09 of 2016 whereby and where under the learned Tribunal has awarded a compensation of Rs. 7,86,000 to the claimants with interest thereon @ 9 % per annum from the date of filing of the claim petition i.e., 06.08.2016 to till the date of its payment.

**Decision and Observations**

The sole point which crop up for determination in this appeal is:

“Whether the Insurance Company be absolved of the liability to pay the compensation amount by way of indemnification of the owner of the vehicle/opposite party No.2 as the vehicle was not having the authorizing permit on the date of accident?”

Undisputedly the owner of the offending vehicle was having a national permit the copy of which is kept at Y/4 but in order to ply the vehicle outside the State of Jharkhand, the authorization permit every year is required. The accident took place while the vehicle was being plied inside the State of Jharkhand in the district of Koderma. The vehicle was registered in the district of Koderma in the State of Jharkhand. Under such circumstances, since the vehicle plied inside the State of Jharkhand even though it had no annual authorization permit for plying the vehicle outside the State of Jharkhand but still it cannot be said that the vehicle was plied in violation of the terms and conditions of the insurance policy. Hence, there is no merit in the submission of the learned counsel of the appellant to absolve the appellant Insurance Company of the liability to pay the compensation on the ground of violation of terms and conditions of the insurance policy by the respondent No.2/opposite party No.1/owner of the offending vehicle. The sole point for determination is answered accordingly.



## CORAM : HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

W.P. ( Cr.) No 335 of 2023

*Md. Jamil*

*Versus*

*The State of Jharkhand and Others*

**Decided on – 07.12.2023**

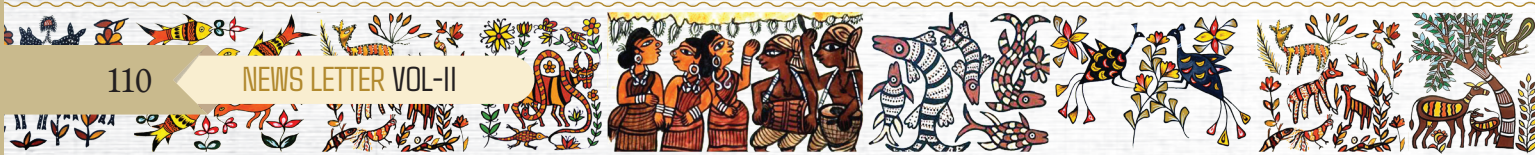
### **FACTS:**

This Writ Petition (Cr.) under Article 226 of the Constitution of India has been filed with a prayer for grant of an appropriate writ (s)/order (s)/direction (for quashing the order dated 07.02.2023 passed in Confiscation Case No.12 of 2022 whereby and where under the respondent No.2 Deputy Commissioner, West Singhbhum at Chaibasa has confiscated the Hywa vehicle bearing registration No. JH O5AX 4407 which was seized in connection with Noamundi P.S. Case No.04 of 2022 registered for the offences punishable under Sections 379, 414, 34 of the Indian Penal Code and Section 4 and 21 of Mines and Minerals (Development and Regulation) Act, 1957 as well as Rule 9 and 11 of the Jharkhand Minerals (Prevention of Illegal Mining, Transportation and Storage) Rules, 2017 and for release of the said vehicle.

### **Decision and Observations**

A bare perusal of Section 21 (4 A) of the Mines and Minerals (Development and Regulation) Act, 1957 makes it abundantly clear that inter alia any vehicle seized under the 21 (4) of the Mines and Minerals (Development and Regulation) Act, 1957 can be confiscated by an order of the court competent to take cognizance of the offence punishable under Section 21 (1) of the Mines and Minerals (Development and Regulation) Act, 1957.

Undisputedly, the vehicle in question was seized under Section 21 (4) of the Mines and Minerals (Development and Regulation) Act, 1957. Hence, in the considered opinion of this Court, the Deputy Commissioner, West Singhbhum at Chaibasa, in the absence of any order of the court competent to take cognizance of the offence punishable under Section 21 (1) of the Mines and Minerals (Development and Regulation) Act, 1957, was not competent to confiscate the vehicle in question. Hence, the order dated 07.02.2023 passed by Deputy Commissioner; West Singhbhum at Chaibasa in Confiscation Case No.12 of 2022 is not sustainable in law.



**CORAM: ANUBHA RAWAT CHOUDHARY, J.**

*Electrosteel Steel Limited -vs- Ispat Carriers Private Limited,  
C.M.P. No. 376 of 2023 decided on 17th July, 2023*

**Arbitration and Conciliation Act, 1996**

The order rejecting objection to enforcement of arbitral award u/s 47 of C.P.C. was under challenge- (1) the award was nullity (2) insolvency resolution plan of the petitioner which was duly approved under section 31 of the IBC. dismissing the writ petition, Held:-

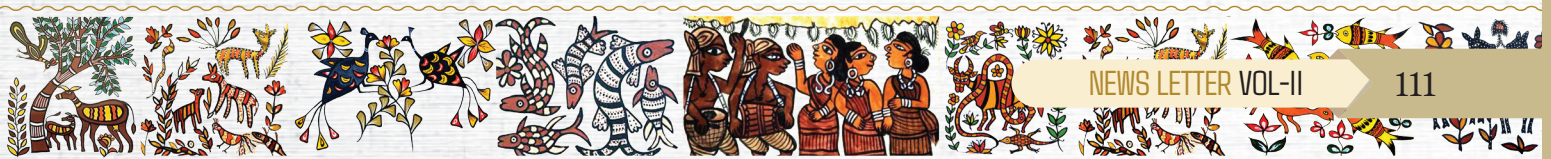
- a. Ordinarily, the arbitral award can be set aside only and only on the grounds which are enumerated under Section 34 of the Arbitration and Conciliation Act, 1996.
- b. Under very limited circumstances an award can be held to be a nullity under Section 47 of the Code of Civil Procedure at the stage of execution even if the award has not been challenged under Section 34 of the Act of 1996. E.g. objection as to stamping, award against a dead person, inherent lack of jurisdiction or award without initiating an arbitration proceeding. Under such extreme circumstances the award does not exist in the eyes of law at all.
- c. The moment such plea of nullity requires deliberations on fact and law, such objection is not permissible at the stage of execution of award.
- d. Such plea of nullity on the ground of jurisdiction should be of such a grave nature that it is not even capable of being waived by one or the other party.
- e. Having not challenged the arbitral award under section 34, the law does not contemplate second opportunity to challenge the award particularly when the Act of 1996 is a self-contained code which prescribes the specific grounds and specific mode of challenge to an arbitral award.
- f. On facts, the Facilitation Council did not lose its jurisdiction to proceed and pronounce the arbitral award on account of approval of the insolvency resolution plan under section 31 of the IBC as the arbitral proceedings were initiated prior to insolvency resolution date, it was suspended during the moratorium period, and resumed upon expiry of the moratorium period and the approved resolution plan did not determine the claim of the respondent as nil.

**CORAM: SHREE CHANDRASHEKHAR, J. & ANUBHA RAWAT CHOUDHARY, J.**

**LPA No. 505 of 2019 decided on 11th September, 2023**

*Administrative officer-cum-Indenting Officer -vs- M/s National Printers*

**Micro Small and Medium Enterprises Development Act, 2006 &  
Arbitration and Conciliation Act, 1996**



The Facilitation Council did not admit the petition by holding that no claim can be filed only for interest when the principal amount was already paid. The writ court remanded the matter. Appeal was filed (a) questioning the jurisdiction of the writ court to entertain the writ petition (b) a petition claiming only interest on delayed payment of bills was not maintainable. Held:-

- a) In absence of conciliation, there was no occasion to enter into arbitral proceedings. The order rejecting the petition is not an award. The plea of alternative remedy in terms of section 34 of Arbitration and Conciliation Act, 1996 was rejected.
- b) A claim for recovery of only interest is an amount due under section 17 even if the principal has been paid, though belatedly. The liability to pay crystallizes on default in timely payment of principal amount followed by consequence of payment of interest. The interest is not erased merely by payment of principal on a date beyond the stipulated time. The expression “with regard to any amount due under section 17” used in section 18 (1) enable a supplier to recover only interest when principal amount is paid belatedly.
- c) Thus, not only upon interpretation of the provisions of MSMED Act, 2006, but also on the basis of the judgements reported in (2010) 5 SCC 44 and (2019) 19 SCC 529 which deal with a pari materia provision under the Act of 1993, a petition for claim of only interest would be maintainable and the Facilitation Council is under a duty to deal with the same step by step as per the mandate of section 18. The Facilitation Council failed in discharging the statutory duty and committed jurisdictional error in not entertaining the petition.
- d) The direction to adjudicate on the issue regarding claim of interest was modified as the stage of adjudication would come only after the conciliation fails.

**CORAM: SHREE CHANDRASHEKHAR, J. & ANUBHA RAWAT CHOUDHARY, J.**

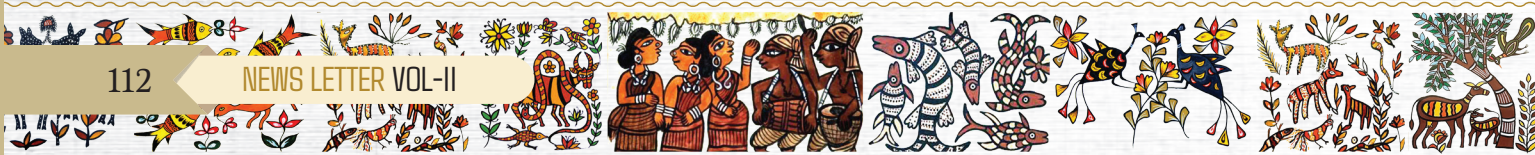
**Commercial Appeal No. 02 of 2021 decided on 5th December 2023**

*Union of India -versus- Santosh Dodrajka*

**Arbitration and Conciliation Act, 1996**

Challenge to arbitral award was dismissed by commercial court and the judgement was under challenge. The appeal was allowed. Held:-

- a) The claimant invoked arbitration clause vide letter dated 15.05.2015 which was prior to coming into force of the 2015 Amendment. In terms of section 21 the arbitral proceedings commence on receipt of the notice invoking arbitration. The arbitral proceeding commenced immediately upon receipt of the letter dated 15.05.2015. Accordingly, section 29-A has no applicability.



- b) The arbitral award is dated 08.05.2018 and thus it will be governed by the 2015 Amendment so far as the grounds for setting aside the award under section 34 of the Act of 1996 are concerned.
- c) Applying section 34(2-A) of the Act of 1996, the findings recorded by the learned arbitrator that the termination of the contract was illegal, suffers from patent illegality on the face of the award and is covered within the meaning of 'patent illegality' under section 34 (2-A) of the Act of 1996. The learned arbitrator has taken a view which is not even a possible one when seen in the light of the case of respective parties and while doing so, the learned arbitrator has completely ignored the terms of the contract and also the case of the claimant himself that he was required to apply for an extension of time to the Railways. The conclusions of the arbitrator that the Railways had waived their right to question delay in completion of the work is neither based on any evidence nor any such plea of waiver was ever raised by the claimant before the learned arbitrator.
- d) Award on account of 'Loss of Profit' being 15% of the remaining value of the contract based on no evidence and award of lump-sum amount under certain heads by stating it to be a reasonable amount without any discussion and without any basis were held to be ex-facie perverse being 'patently illegal' appearing on the face of the award and covered by grounds mentioned under section 34(2-A) of the Act of 1996 as introduced vide the 2015 Amendment.

**CORAM: SHREE CHANDRASHEKHAR, J. & ANUBHA RAWAT CHOUDHARY, J.**

**L.P.A. No. 140 of 2020 with L.P.A. No. 143 of 2020**

***M/s BMC Metal Cast Ltd -Versus- Jharkhand Urja Vikas Nigam Limited  
decided on 13th October 2023***

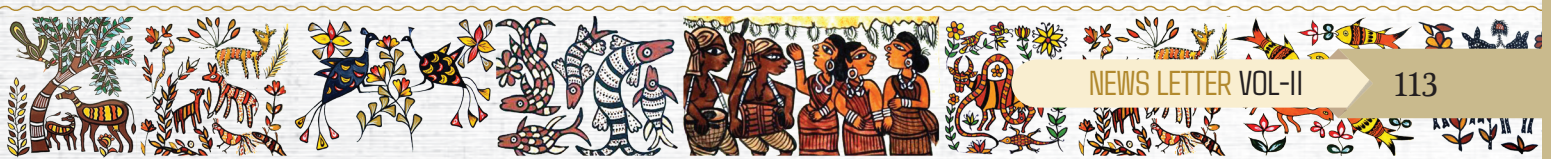
**Electricity Act, 2003**

***Two issues considered were: -***

- (a) Whether the claim of "voltage rebate" was available to consumers with 'arrears' for the period May 2010 to July 2011 governed by tariff 2010-11?
- (b) Whether the "Kept in abeyance" amount concerning fuel surcharge can be treated as an arrear in the facts and circumstances of the present case?

**Partly allowing the appeal, Held:-**

- a) In order to avail 'voltage rebate' under tariff - 2010-11, the consumer should not be in arrears which is also the position with regards to 'load factor rebate'.
- b) For the period 2010-11, the condition as per the 'Note' to 'voltage rebate' was that



the consumer should not be in arrears; for the period 2011-12 onwards, there was a clear stipulation in the tariffs that the consumers would be entitled to avail the benefits of the rebates in spite of arrears, if the consumer had an order of stay from a competent Court or authority.

- c) In the absence of any bill raised on account of 'fuel surcharge' for which the appellant is alleged to be in arrears and Nigam having failed to substantiate any reason to keep the amount in abeyance, the appellant cannot be said to be in 'arrears' so as to deny the benefit of 'voltage rebate' during the aforesaid period May 2010 to July 2015.

**CORAM: SHREE CHANDRASHEKHAR, J. & ANUBHA RAWAT CHOUDHARY, J.**

*Babu Ram -versus- Central Coalfields Limited and analogous cases*

*L.P.A. No. 521 of 2022 decided on 21st September 2023*

#### **Industrial Disputes Act, 1947**

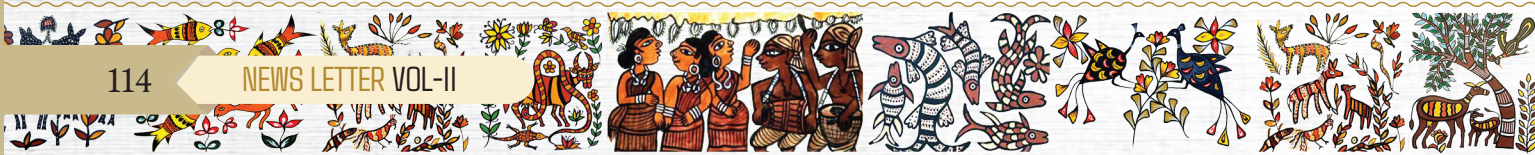
A complaint under section 33A was filed alleging change in service conditions while a non-related dispute regarding claim of wages under section 33-C (2) was pending. The writ petitioners challenged the jurisdiction of the Industrial Tribunal to direct the CCL to terminate the services of the workmen. The writ petitions were dismissed.

Having held that issuance of charge-sheet to workmen did not amount to change in service conditions, the issues considered were: -

- a) Whether the learned Industrial Tribunal could have proceeded further in the complaint filed under section 33-A of the Industrial Disputes Act, 1947 to question the legality and validity of Memorandum of Settlement (MOS) as well as the appointments made pursuant thereto followed by a direction upon the management to terminate all such appointments pending enquiry?
- b) Whether the Industrial Tribunal ought to have left it for the management to proceed and conclude the enquiry with respect to those to whom charge-sheets under the standing orders of the management were already issued?

#### **Held:-**

- a. There was no contravention of section 33 - there was no occasion for the Industrial Tribunal to proceed with the complaint as the condition precedent to attract section 33-A (i.e. contravention of the provision of section 33 of the Act of 1947 by the



employer) was not satisfied.

- b. The Industrial Tribunal ought to have dismissed the complaint and ought to have allowed the CCL to take the disciplinary proceedings, for which charge-sheets. The Industrial Tribunal committed jurisdictional error in proceeding and recording findings/observations having serious bearing on the pending enquiry.
- d) The appeal was partly allowed. Direction issued by the tribunal to CCL to terminate the services of the workmen after due identification was set-side and the management was given the liberty to proceed with the charge-sheet issued to one or the other workman for alleged misconduct in accordance with law.

### CORAM- HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

#### *Rajeev Jhavar V. Assistant Director, Enforcement Directorate*

#### W.P. (Cr) NO.- 136 OF 2023

- A. THE CONSTITUTION OF INDIA-ART-226-this petition filed for quashing of special court order –Also matter related Economic offences.
- B. CODE OF CRIMINAL PROCEDURE, 1973-sec 205 ,317, 439 ,482
- C. INDIAN PENAL CODE, 1860-offence registered under sec-120B r/w420
- D. PREVENTION OF MONEY LAUNDERING ACT,2002-sec-3 and 4, 45
- E. PREVENTION OF CORRUPTION ACT,1988-sec-13(2) r/w13(1) (d)

That the petitioner filed application in trial court for dispensation from personal appearance and permission to be represented through advocate –dismissed by special court – challenged before this court.

Also noted- that petitioner has not cooperated in investigation-left the country and not appeared for bail but filed Section 205 of Cr.PC. petition.

Held -upholding impugned order -that presence of a stent due to a heart ailment cannot be a ground for exemption under section 205 Cr.PC as the medical condition is common across the world.-“The petition under section 205 of Cr.PC. meant for a bonafide person to abide by the law of the country not like this petitioner as he is already a flight risk... Further the petitioner is a man of means and even if he is looking after his father, mother, he can make an alternative arrangement and that can not be a ground of 205 Cr.P.C.”- conclusion-that economic offences having deep-rooted conspiracies and involving huge loss of public funds need to be viewed seriously and considered as grave offences affecting the economy of the country as a whole and thereby posing serious threat to the financial health of the country-no illegality in the impugned order-petition dismissed.

**CORAM-HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI***Pratul Shahdeo @Pratul Nath Shahdev V. The State Of Jharkhand & Anr.***ACT, 1989- sec-3/4****W.P.(cr.) NO- 378 of 2023**

- A. THE CONSTITUTION OF INDIA- ART-226-this petition filed for quashing the entire criminal proceeding.
- B. INDIAN PENAL CODE,1860 – offence registered-sec-341,342,323,325,307
- C. SCHEDULED CASTES AND SCHEDULED TRIBES (Prevention Of Atrocities)
- D. CODE OF CRIMINAL PROCEDURE,1973 –sec- 156 (3)

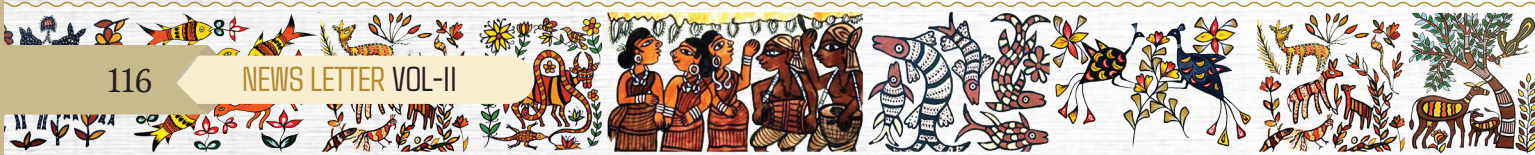
That matter against Bharatiya Janata Party (BJP) leader Pratul Shahdev- allegedly- abusing his former driver-that he forcibly took away the car keys from his driver- locked the vehicle and physically assaulted-causing injuries.

noted-that the FIR was filed with malicious intent and that the incident took place inside a car, away from public view, challenging the basis for the registration of the case under SC/ ST Act.

HELD-The present case is well planned - complaint has been filed maliciously- that ingredients every sections may be made out-ingredient of SC/ST Act is absent-The SC/ ST Act is meant for protection of scheduled castes and scheduled tribes and it is not meant for setting the score by way of filing the false case-“This is not a separate order for registration of said F.I.R. There is no doubt that the learned courts are overloaded with the court work. There is no harm of passing such order under Section 156(3) of Cr.PC and that is option available to the learned court. However, in exercising of said power under section 156 (3) of Cr.PC., judicial mind is required to be applied which is lacking in the case in hand. There is no separate order under section 156(3) Cr.PC.”conclusion-analysis-case has been maliciously filed at Latehar- learned court without applying the judicial mind has sent the complaint under section 156(3) of Cr.P.C. Accordingly-matter quashed.

**CORAM- HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI***Umesh Singh V. The State Of Jharkhand & Others***W.P. (cr.) NO- 81 of 2022**

- A. THE CONSTITUTION OF INDIA –ART-226- for quashing the decision of State Sentence Review Board-whereby claim for premature release –rejected.
- B. INDIAN PENAL CODE ,1860- sec-302-petitioner convicted.



- C. CODE OF CRIMINAL PROCEDURE,1973- sec-432(2)-appropriate government may take opinion of preceding judge-Remission-sec-433-restricts power of remission.

That petitioner submits –Jharkhand Government come forward with new policy – remission –convict entitle –premature release –same was rejected by Board.

HELD-Directed the State Government to reevaluate the application for premature release filed by a petitioner -serving a life sentence under Section 302 of Indian Penal Code-custody for more than 26 years-observed- Looking into the opinion given by the Presiding Judge-appears that he has not fulfilled the guidelines -laid down by the Hon'ble Supreme Court. Reiterated -These guidelines are (i) whether the offence affects the society at large; (ii) the probability of the crime being repeated; (iii) the potential of the convict to commit crimes in future; (iv) if any fruitful purpose is being served by keeping the convict in prison; and (v) the socio-economic condition of the convict's family -The opinion must be in teeth of statute under Section 432(2) Cr.PC.-considered two letters—one from the Probation Officer, Home (Prisons), Dhanbad, Jharkhand, and the Superintendent of Lok Nayak Jai Prakash Narayan Central Jail, Hazaribag- both expressed their opinion- no issues if the petitioner were released on remission- further ordered the Presiding Judge to provide a new opinion-supported by appropriate reasoning -following the guidelines of Supreme Court -within one month and once the Government receives this opinion, they must make a final decision regarding the petitioner's application for remission-hence petition allowed.

### CORAM-HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

#### *Bijay Hansda V. The State Of Jharkhand And Others*

#### W.P. (cr.) NO- 665 of 2022

- A. THE CONSTITUTION OF INDIA –Art-226-for transferring the investigation of case to the C.B.I.-to provide adequate security to the petitioner-referred-Art-14 and 21
- B. INDIAN PENAL CODE,1860–offence registered under sec-379,323,500,504,506,
- C. 120 B r/w34
- D. ARMS ACT-sec-27
- E. JHARKHAND MINOR MINERAL CONCESSION RULES,2004 -Sec -4 and 54
- F. SCHEDULED CASTES AND SCHEDULED TRIBES(PREVENTION OF ATROCITIES) ACT,1989 –Sec- 3(1)(s)

That the matter related to serious charges against influential individuals linked to the illegal stone mining trade-The petitioner, member of a scheduled caste, filed a complaint -alleging illegal stone mining, for ongoing in his village orchestrated by a group involved in the stone mafia, in partnership with government officials-These activities included the

use of heavy machinery and even explosives, resulting in damage to village houses.

HELD-Directed the Central Bureau of Investigation (CBI) to probe the illegal mining, and intimidation in Sahibganj district- case involves serious charges against influential individuals and government officials- emphasized, “It has been disclosed that Pankaj Mishra is a powerful person and he is enjoying political patronage assistance and that is why the investigation is not being done in correct perspective.”-noted -that an Interlocutory Application for withdrawal of the writ petition- rejected by the court due to suspicions of external influence and threats-conclusion-to conduct preliminary inquiry by CBI in accordance with law-petitioner shall be protected by police-fair and unbiased inquiry or investigation is expected by the general public-hence petition allowed.

### CORAM-HON’BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

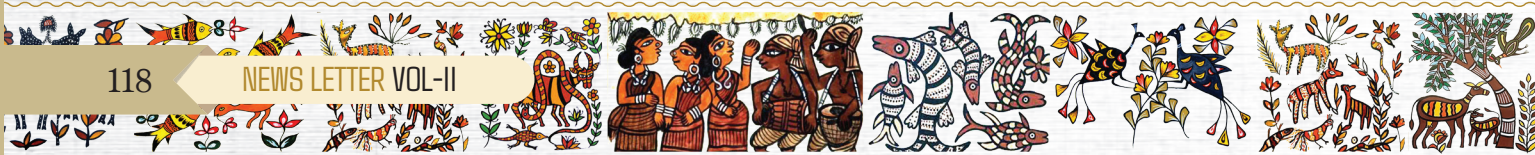
#### *Ashutosh Kumar V. Union Of India Through CBI*

#### CRIMINAL REVISION NO – 1081 of 2022

- A. CODE OF CRIMINAL PROCEDURE- Sec-397,401-criminal revision for quashing orders –whereby under Sec-227 discharge petition –rejected.
- B. INDIAN PENAL CODE,1860 – offence registered under sec-109
- C. PREVENTION OF CORRUPTION ACT,1988 –13(2),13(1)(e)

Thatalleged- petitioners-Keshav Vats and Chaynika Kumari abetted Ashutosh Kumar in acquisition of assets beyond the known sources of income and in dealing with unaccounted money-filed discharged petition before special judge- rejected.

HELD– Observed- Sec- 239 and 240 CrP.C, are fairly well settled. The obligation - discharge the accused- arises when the Magistrate considers charge against the accused to be “groundless”- discharge reasons, (i) considering the police report and the documents sent with it under Section 173 CrP.C, (ii) examining the accused, if necessary, and (iii) giving the prosecution and the accused an opportunity of being heard, he considers the charge against the accused to be groundless - no offence is made out at all-No detailed evaluation of the materials or meticulous consideration of the possible defences need to be undertaken at this stage nor any exercise of weighing materials in golden scales is to be undertaken at this stage –’ it is well settled that the revisional power cannot be equated with appellate power- The Revisional Court cannot undertake meticulous examination of the material- not required, enter into the merits of the case and to consider...’-conclusion-only required to consider whether prima facie case was made out or not and whether the accused is required to be further tried or not-Court finds, said orders are in accordance with law-At the state of framing charge- immaterial whether the case is based on direct or circumstantial evidence. no illegality in the impugned orders-petitions dismissed.



**Coram: RONGON MUKHOPADHYAY and DEEPAK ROSHAN, JJ.**

**W.P.(T) No. 2890 of 2022 (Decided on 9.10.2023)**

***M/s Kamaladitya Construction (P) Ltd. Vs. Principal Commissioner of CGST and Central Excise***

**Per se: Justice Deepak Roshan**

Finance Act, 1994-Section 73 of erstwhile Chapter V-Show-cause notice- Challenge as to Demand cum Show Cause Notice was issued on the basis of investigation-Adjudication of impugned show cause notice was kept in suspended animation for more than 7 years and now again the petitioner received a notice for personal hearing-Fixing personal hearing of petitioner and taking up adjudication after more than 7 years from date of issuance of impugned Show Cause Notice is unreasonable, arbitrary, oppressive, and violates Article 14 of Constitution and such proceedings stand vitiated due to inordinate and unreasonable delay-Where statute does not prescribe any period of limitation within which power has to be exercised by authorities, in such circumstances also proceedings must be concluded within a reasonable period of time – Maximum period of limitation provided under special statute should be considered to be reasonable period within which adjudication order should be concluded-Period of more than 7 years from issuance of impugned Show Cause Notice cannot be said to be reasonable period- Under Section 73 of Chapter V of the Finance Act, 1994, maximum period of limitation is a period of five years which would be reasonable period of time for other purposes also for which no time limit is prescribed-Impugned show-cause notice quashed and set aside.

**CORAM: RONGON MUKHOPADHYAY AND DEEPAK ROSHAN, JJ.**

**W.P.(T) No. 5364 of 2022 (Decided on 9.10.2023)**

***M/s LMB Sons VS. Union of India & Ors.***

**Per se: Justice Deepak Roshan**

Finance Act, 1994-Section 73- Demand cum Show Cause Notice-There is no prescribed limit for passing adjudication order-However, impugned Adjudication Order was not communicated to Petitioner within one month from closure of personal hearing- circulars and instructions are legally binding on Revenue Department and violation of same will make actions of Respondent, illegal and ex-facie bad in law-If law prescribes a manner in which a power has to be exercised, then such power can be exercised only in such manner-Respondent Department has violated Clauses 14.10 of Master Circular No. 1053/ 02/2017-CX dated 10.03.2017, and Clause 4.3 of Instructions dated 18.11.2021 issued by Central Board of Indirect Taxes and Customs-Matter remitted back to Additional Commissioner to pass a fresh order after giving opportunity of personal hearing to petitioner.

**Coram: RONGON MUKHOPADHYAY and DEEPAK ROSHAN, JJ.**

**W.P.(T) No. 1617 of 2023 (Decided on 12.09.2023)**

*Rajeev Kumar vs Principal Commissioner of Central Goods and Services Tax, Ranchi*

**Per se: Justice Deepak Roshan**

Recovery-Natural justice- Writ jurisdiction-Period 2016-17-Demand-cum-notice of show cause was issued - No reply to SCN was ever submitted by assessee and even date of personal hearing was fixed four times, but assessee did not respond to same - Earlier, reply was given only at stage of enquiry regarding pre-SCN queries made by Range Officer but admittedly petitioner did not reply to SCN - HELD: Assessee was given ample opportunity to appear before Adjudicating Authority but he failed to do so - Letters of personal hearing were issued to him on address provided by assessee in their GST registration but letters were returned undelivered - It further transpires that letters were also sent to assessee through e-mail ID which was available to department, but assessee did not respond to said letters - Contention of assessee that principle of natural justice had not been complied was without any basis - Since there was efficacious alternative remedy provided in Act itself, instant writ application was not maintainable.

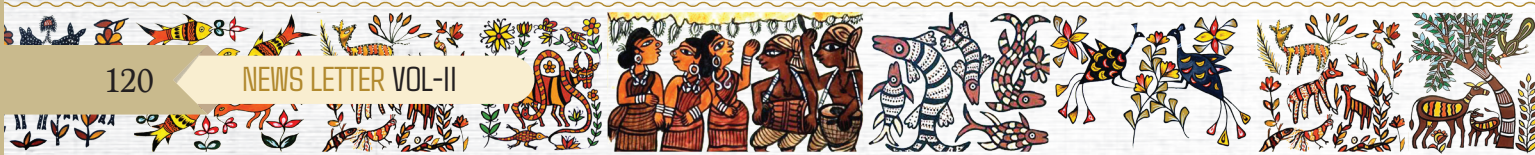
**Coram: RONGON MUKHOPADHYAY and DEEPAK ROSHAN, JJ.**

**T.A. No. 55 of 2019, (Decided on August 16.08.2023)**

*The Principal Commissioner of Income Tax, Ranchi vs Manoj Kapoor*

**Per se: Justice Deepak Roshan**

Tax Law-Income Tax Act, 1961, Sections 69, 143(3), 234-B, 234-C and 234-A-Appeal-Respondent-assessee filed e-return of his income declaring total income of Rs. 6,61,080/-Assessee's case was selected for scrutiny assessment- In course of assessment proceedings, respondent-assessee voluntarily surrendered LTCG for taxation- A.O. added the entire receipt from sale of shares amounting to Rs. 10,45,266/- including the cost price/ investment made by the assessee amounting to Rs. 5,40,000/- as unexplained investment under Section 69 of I.T. Act vide order passed under Section 143(3) of the I.T. Act, 1961-Respondent- assessee approached CIT(A) - In the appellate proceeding, the CIT(A) upheld the action of A.O.- Respondent-assessee's appeal was dismissed-Aggrieved respondent-assessee preferred appeal before ITAT - Appeal was allowed-A.O. was directed to delete Rs. 5,40,000/- out of the total addition made under Section 69 of the Act, 1961-Further A.O. was directed to delete the addition and charge the interest under Section 234-B of the act on the returned income instead of assessed income-Present appeal has been filed against the impugned judgment of ITAT-The Court has decided to decide the case on merit-A.O. could have added only income earned during assesment year 2015-16 and cannot tax



investment in purchase of shares-No finding of bogus transactions was given by the A.O.- A.O. was rightly directed to delete Rs. 5,40,000/- out of the total addition made under Section 69 of the Act-ITAT relied on the judgment of Jharkhand High Court in the case of Ajay Prakash Verma v. Income Tax Officer, T.A. No. 38 of 2010-ITAT has not considered the provisions of Section 243-B as applicable during the period AY 2015-16-ITAT erroneously held interest under Section 243-B could be charged on the returned income not on the assessed income- Finding of ITAT is contrary to the provisions of Sections 234-A and 234-B as amended by the Finance Act, 2001 and the Finance Act, 2006-Consequently appeal in partly allowed.

**Coram: RONGON MUKHOPADHYAY and DEEPAK ROSHAN, JJ.**

**W.P. (T) No. 4338 of 2022 (Decided on 9.10.2023)**

***M/s Aditya Medisales Ltd.vs State of Jharkhand & Ors.***

**Per se: Justice Deepak Roshan**

Jharkhand Goods and Service Act, 2017-Section 140 (3) (iii)-Tax recovery notice-Denial of transition of input tax from the erstwhile regime (Jharkhand Value Added Act, 2005 and JGST Act, 2017)- Petitioner was only served a summary of show cause notice in Form DRC-01 and not a proper show cause notice under Section 73 of JGST Act-Issuance of a proper show cause notice is not evident from the order sheet-Entire proceeding fails if the genesis is bad in law- AO for the purpose of transition of credit is only required to verify figures specified in TRAN- 1 and whether conditions under Section 140(3) are satisfied-Maximum extent to which Revenue can verify genuineness of transitional credit is to see whether transitional credit is admissible as credit under JGST Act-Tax paid on purchases of medicine products / food products is admissible as tax under JGST Act-Under garb of disallowing transitional credit, Assessing Officer under JGST Act cannot conduct assessment of returns filed under JVAT Act-Under Section 142(8)(a) of JGST Act, if any sum is found to be recoverable from a dealer in respect of assessment done under JVAT Act, same can be covered as an arrear of tax under JGST Act- Interest of Revenue is already protected-- There exists no such provision in JGST Act which allows Respondent Bank to put Petitioner's Bank Account on hold for such a substantial sum of money-Impugned appellate order also perverse.

**CORAM: HON'BLE MR. JUSTICE SUBHASH CHAND**

**Cr. Revision No.667 of 2022 Decided on- 18.10.2023**

***Subodh Bara Babu @ Subodh Kumar Yadav vs The State of Jharkhand and Anr.***

### **Police Must Enquire in to Matter Before Registering FIR Against Public Servant Accused of Offence Committed In Discharge of Official Duty**

Held- The accused is a public servant and while lodging F.I.R. against a public servant in regard to commission of any offence during discharge of his official duties, the police officer is duty bound to enquire into the matter before registering the F.I.R. The object behind this is only that there may not be frivolous or harassing allegations against any public servant with any ulterior motive or with any object of extortion.

From perusal of Section 197 Cr.P.C., it is crystal clear that the learned Magistrate while taking cognizance or framing charge is required to direct the investigating officer of the case to obtain the prosecution sanction while disagreeing with the conclusion drawn by the I.O. during investigation. On the basis of the evidence relying upon which the learned court below had taken cognizance against the accused under Section 376 I.P.C. as per F.I.R. allegations, the petitioner/accused was the Head Clerk in the office on his official duty. The victim had alleged that she had gone there to get the new employment registration card in place of old one. The object of prosecution sanction to a public servant is to protect the public servant discharging the official duties and functions free from the harassment by initiation of frivolous and retaliatory criminal proceedings.

In view thereof, I find that the impugned order dated 28th June, 2022 passed by the learned Additional Sessions Judge-I, Sahebganj is unsustainable in the eyes of law and same is set aside.

### **CORAM: HON'BLE MR. JUSTICE SUBHASH CHAND**

**Cr. Revision No.535 of 2022 Decided on- 13.10.2023**

*Niraj Kathuria vs. The State of Jharkhand and Anr.*

### **Maintenance Obligations Should Not Burden A Husband To The Point Of Marriage Becoming A Punishment**

**Held-** Certainly, it is moral duty of the husband to pay maintenance to his wife so that she may also reside in the same status as would have been in matrimonial house; but it does not mean to squeeze milk from the husband that the marriage becomes felony for the husband.

The learned Family Court did not take into consideration, the liabilities of the petitioner – Niraj Kathuria while fixing quantum of maintenance, which are evident from the documentary evidence on record. The learned Family Court has assessed the income of the petitioner Rs.1.20 lacs to Rs.1.25 lacs monthly from Shree Shakti Infrastructure which was the gross income of the petitioner, not the net income and has taken into account the landed property in the name of the petitioner.

The learned Family Court while assessing the amount of quantum of maintenance has failed



to consider the liabilities of the petitioner and maintenance @ Rs.40,000/- was awarded by the learned Family Court is slightly on higher side. The criminal revision is partly allowed.

### **CORAM: HON'BLE MR. JUSTICE SUBHASH CHAND**

**Cr. Appeal (S.J.) No. 274 of 2011 Decided on- 29.09.2023**

**Janeya Sinke @ Jane vs. The State of Jharkhand**

#### **Family's Prestige at Stake in Rape Cases, Delay In Filing FIR Not Fatal To Prosecution If Proper Explanation Given**

Held- In case of a rape, the dignity and prestige of the family is at stake, the time is also taken in deciding whether to lodge the F.I.R. or not. As such delay in lodging F.I.R. in rape case cannot be fatal to prosecution if there is cogent and trustworthy evidence.

In view of the analysis of the evidence, the prosecution has been successful to prove its case beyond reasonable doubt and the impugned Judgment of conviction and sentence passed by the court-below needs no interference. This Cr. Appeal is hereby dismissed. The impugned Judgment of conviction and sentence passed by the court-below is affirmed.

### **CORAM: HON'BLE MR. JUSTICE SUBHASH CHAND**

**Cr. Revision No. 209 of 2022 Decided on- 26.07.2022**

***Kuldeep Kumar Mahto vs. The State of Jharkhand and Anr***

#### **Non-Consensual Sexual Intercourse Constitutes Rape Irrespective Of Assurances Of Marriage**

Held- The accused got the consent of the victim on the pretext of marriage. After assuring the victim to marry he came in courtship of the victim and for the first time on 21.09.2018 he forcibly committed rape of victim. As such it cannot be accepted that the offence of 375 which is punishable under section 376 of I.P.C. is not made out against the petitioner.

The court, at the time of framing charges, should not delve deeply into the evidence collected during the investigation. Instead, it must determine whether there is prima facie evidence to support the accusations against the accused, based on the evidence gathered by the I.O.

In the case in hand since inception the consent was obtained after having assured the victim to marry with her and the rape which was committed for the first time on 21.09.2018 the physical relation was not consensual. Therefore, in view of the evidence collected by the I.O. the prima facie case is made out against the petitioner. The impugned order passed by the court-below does not bear any illegality or infirmity.



**CORAM: HON'BLE MR. JUSTICE SUBHASH CHAND****A.B.A. No.4575 of 2022 Decided on- 22.09.2022*****Suresh Kumar v. The Union of India through Directorate of Enforcement*****Where Allegations Are Against Partnership Firm Then Its Partner Is Jointly & Severally Liable For The Same:**

**Held-** In view of Section 25 of the Indian Partnership Act, 1932 every partner of a firm is jointly and also severally liable for all acts of the firm done, while he is a partner.

In the case in hand, though the charge sheet was not filed in individual capacity against the applicant but all the allegations are against the M/s. Bhanu Construction, a partnership firm and the applicant is the partner of the said firm and he is jointly and severally liable for the act of the said firm.

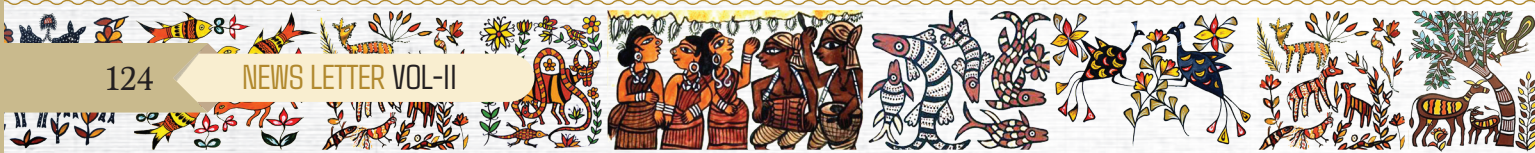
In view of the submissions made and materials available on record, the plea raised by the learned counsel for the applicant is not accepted that the applicant was not involved in commission of the alleged offence, rather in capacity of a partner of M/s. Bhanu Construction his involvement is prima facie made out and there are reasonable grounds for believing that he has committed the aforesaid offence and is likely to commit offence, if enlarged on bail. Accordingly, the applicant's prayer for anticipatory bail is, hereby, rejected.

**COROM : HON'BLE JUSTICE GAUTAM KUMAR CHOUDHARY****PRONOUNCED ON- 04-12-2023*****Mahesh Roy@Mahesh Ray And Others V/S The State Of Jharkhand*****CR.MP NO -198 of 2018**

**FACT :** CR.MP filed for quashing entire criminal proceeding which was reason for institution of the FIR has been stated that huge quantity of illegal foreign liquor,spirit ,rapid web seized by the excise department which was harmful for human consumption and health. The official complaint being Domchanch P.S case 88 of 2017 was registered u/s 272,273,467,468,469,471,472,473,420 and 120(B) of the IPC and sec 47(a),(b)(c)(d)(e)(f)(g), 48 and 58 of the Excise act.

**DECISION AND OBSERVATION**

Petitioner are aggrieved by the institution of the police case.It is submitted that with respect to the same facts ,two cases are not permissible. As per case 2022 Livelaw(SC) 731, it held that if multiple FIRs are permitted to be registered on the same set of facts and allegations, it will result that accused can be entangle in multiple criminal proceedings on the same facts. As per the STATE there are no two such FIRs , first one is official complaint



and cognizance under section 47(a) and second one is with respect to offence under the IPC. Private complaint is filed, facts of this case somewhat different and section 210 of Crpc will not have direct application, because it is not a case where private complaint has been filed, but here cognizance has been taken on an official complaint. Impugned order suffers from infirmity in as much that the two cases at different stages have been merged .

In the police case investigation has not been completed, and police report has not been filed u/s 173 of the Cr.p.c merges of the two cases could have taken place only after cognizance in both of them, under the circumstances the impugned order is indefensible and is accordingly set aside.

Criminal Miscellaneous petition is allowed.

### **COROM : HON'BLE MR. JUSTICE GAUTAM KUMAR CHOUDHARY**

**Cr. M. P. No. 1510 of 2022**

Bhim Mahato @ Bhim Lal Mahato @ Bhim Mahto

**With Cr. M. P. No. 1511 of 2022**

*Laldhari Mahato @ Laldhari Mahto .... Petitioner(s)*

*Versus*

*The State of Jharkhand and Another*

**PRONOUNCED ON – 19.09.2023**

FACT- Cr.mp has been quashing the proceeding entire proceeding under cognizance of the offence under Section 33 of the Indian Forest Act, 1927 has been taken against the petitioner. The petitioner had constructed a pucca house in the forest area which was in violation of Section 30 (c) and 33 of the Indian Forest Act. Petitioner has been living in the said forest area since long and the Forest Department claims the same under the forest area as Notified Forest Area vide Notification No.C/ F-17038/ 64-3346R dated 23.09.1964. notification is valid only for a period of 30 years in terms

**Observation :** By passage of time or even with the expiration of the period of notification, a Government Land gets converted into a private land. The plea of passage of time is taken on the basis of 30 years provided under Section 30 of the Indian Forest Act, 1927. It is significant to note that neither in the case of “reserved forest” notified under Section 20 nor in the case of “protected forest” under Section 29, the nature of land changes with passage of time. Reserved forests are notified under Section 20 which starts with the expression “The State Government may constitute any forest land or waste land which is the property of Government or over which the Government has propriety rights” .

The need for Section 30 is a part of forest conservation and management under which a part of protected forest can be closed or a species of tree can be reserved for the purpose



of a forestation which may require the forest rights as notified under rules under Section 32 to be suspended. The period of 30 years specified under Section 30 contemplates that an area of a protected forest can be closed by the State Government for a maximum period of 30 years and during this period, the rights of private persons related to and associated with the use of such area gets suspended.

The eyes of law to claim title or right to possession over a Govt. land which has been declared protected forest on the ground that the nature of the land or forest has changed after the expiration of 30 years.

In the present case the notification is under Section 29 and therefore the authority relied upon by the Petitioner will have no application in the present case which deals with notification under Section 30 of the Indian Forest Act, 1927. Both the aforesaid Cr. M. Ps. are dismissed.

## COROM : HON'BLE MR JUSTICE GAUTAM KUMAR CHOUDHARY

Cr. M. P. No. 1751 of 2022

*P.N. Pathak @ Pradip Narayan Pathak and another*

*Versus*

*The State of Jharkhand and Another*

With

**Cr. M. P. No. 2829 of 2022 With Cr. M. P. No. 3898 of 2022**

**Pronounced on 10.10.2023**

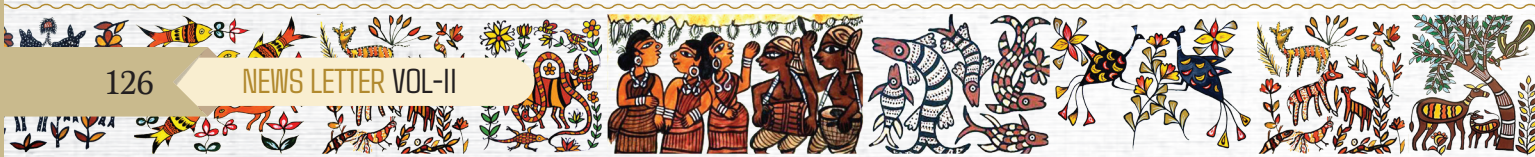
### FACTS-

The brief facts is that Cr.mp arises out of offence report lodged by forest guard is the basis of the forest cases. Cognizance has been taken by the forest range officer. The prosecution in brief is that the land appertaining to Plots Nos. 4836, 4837, 4839, 4840, 4856 and 4897 measuring 71.83 acres of Mouza Siyaljori, Thana No. 202 was declared protected forest vide Notification C/F-17014/58-1429R dated 24.05.1958. It is alleged that the petitioners/accused persons had encroached the protected forest area and had constructed boundary wall and installed different units of Electro-steel Integrated Limited. The matter involves encroachment of the same company over Bandhdih Plot No. 1605 and Hutupathar Plot No. 1090 and 1092 by constructing road which is claimed to be protected forest area by the same notification.

### Observation-

It is not in dispute that land in question wherein constructions and encroachments have been made comes within the protected forest notified as a Protected Forest in 1958 under Section 29 of the Indian Forest Act, 1927.

On behalf of the Petitioners is that this notification was proviso to Section 29(3) of the Act



1927 wherein no enquiry as contemplated under Section 29(3) has been carried out, and therefore the claim of the forest department on the said notification is non-est in the eyes of law. This plea is founded on basic misconception about the nature of Reserved and Protected Forest, and the nature of enquiry contemplated for their notification.

Tarun Bharat Sangh, Alwar v. Union of India and others, same kind of argument was raised. As per notification under section 29(3) of Forest Act was not final, and therefore Electrosteel Steels Ltd. Company of which the Petitioners are employees, had acquired a right title and interest over the suit property by virtue of the registered sale deed executed in its favour, is not tenable. After a private forest is declared as private protected forest its control and management vests in the State as has been held in Guru Datta Sharma v. State of Bihar.

As per that court does not find any illegality or infirmity so Crmp are dismissed and disposed of.

## COROM : HON'BLE MR JUSTICE GAUTAM KUMAR CHOUDHARY

W. P. (C) No. 1049 of 2023

*Sima Devi @ Seema Kumari v/s The state of Jharkhand*

**Pronounced on 15.09.2023 -**

### FACT

W.P. been filed under Article 226 of the Constitution of India for direction to the Municipal Commissioner, Ranchi Municipal Corporation, Ranchi to allot a residential flat in the name of the petitioner in any of residential buildings constructed in Rugadigarha or Madhukam, Ranchi under the Basic Services to Urban Poor Project (for short BSUP Project). The petitioner was living in a slum area of Rugadigarha, Ranchi and was entitled to rehabilitation under the BSUP Project under the Jawaharlal Nehru National Urban Renewal Mission of the Central Government. Deputy Municipal Commissioner respondent no. 5 issued notice to the inhabitants of the slum area to remove their houses/construction from the said area. The house and residential buildings were constructed in the year 2015-16 under the said Project and flats were allotted to different beneficiaries but the petitioner has not received any allotment despite having made several representations to the respondent authorities.

Municipal Corporation in which specific stand has been taken that as per guideline of BSUP scheme the petitioner should submit income certificate, proof of residence of the locality like address in AADHAAR Card and an affidavit stating therein that she does not possess any land or building already in any part of India. She should also submit beneficiary contribution which is 12% and in case of SC/ST/BC/OBC/PH and other weaker sections, 10% equivalent to Rs. 35,000/-.

### OBSERVATION

The RMC, Ranchi, the petitioner is at liberty to move before the appropriate authority by filing an application along with requisite document in the prescribed format for the allotment of the flat under the said scheme, on which after scrutiny necessary order will be passed by the respondents authorities within a period of eight weeks from the date of filing of the said application for allotment. The instant Writ Petition stands disposed of.

### COROM : HON'BLE MR JUSTICE GAUTAM KUMAR CHOUDHARY

With W. P. (C) No. 2505 of 2020

With W. P. (C) No. 1342 of 2021

*Sanjeev Modi ... .. Petitioner*

*Versus*

*The State of Jharkhand through Secretary, Department of Industries,  
Government of Jharkhand, Ranchi and others.*

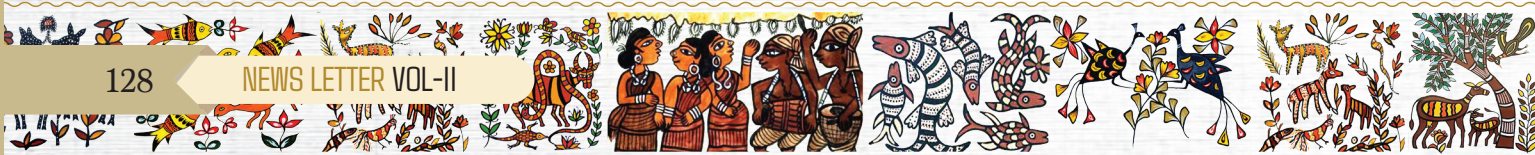
**Pronounced on 19.12.2023**

**Fact-** All these writ petitions arise out of the dispute with regard to possession /allotment of the industrial plot nos. 12 and 13P measuring an area of 0.933 acres at 2 Kokar Industrial Area, Ranchi which was allotted in favour of M/s Annapurna Press and Process which was a partnership firm. M/s Annapurna Press and Process was a partnership firm formally brought into existence by a deed of partnership dated 01.04.2008 between Sri Gopal Modi and Sri Sanjeev Modi who are full brothers. With passage of time in 2018, both the brothers fell apart and dissolution of partnership, somewhat erroneously termed as memorandum of partition, was drawn between them on 27.05.2018. The memorandum divided the property of the firm between both the brothers. First Party in this memorandum is Gopal Modi and the second party is Sanjeev Modi and lease was executed on 25.05.2018 and the same was notarized on 30.05.2018. Thus Rs18,54,643 was deposited on 30.08.2019 and Rs 15,09,296 was deposited on 27.02.2019 from his personal fund to JIADA as installment for allotment of plot in question.

#### **OBSERVATION**

Plea of subsistence of the firm despite its dissolution is fallacious to the core . It has been held in *Guru Nanak Industries and Anr. v. Amar Singh through Legal Representatives*, (2021) 14 SCC 672

JIADA as taken in the counter affidavit on behalf of respondent is that because of the on-going dispute between the partners of M/s Annapurna, the formal allotment of land has been put on hold. The cost of land has been paid to the tune of Rupees more than 33Lakh, by petitioners whereas a sum of Rs.3,30,319/- against land rent, maintenance has been paid by respondent no.4. Allotment of land in favour of the Sanjeev as Partner of M/s Annapurna vide Letter dated 26.11.2018 of RIADA is somewhat erroneous as the firm had



already been dissolved vide agreement dated 25.05 2018. Section 44 of the said Act. An agreement can be expressed or implied, to bring to an end a partnership firm. Therefore, allotment of share has to be looked into in the terms of dissolution of firm under which the firm has been dissolved. Dissolution recorded in writing was emphatic and unambiguous that share of industrial plot was to go to Sanjeev, JIADA was required to go by the terms of dissolution. There was no dispute with regard to written terms dissolution to be referred for arbitration. JIADA was not supposed to venture beyond the term of dissolution of firm which clearly stipulated the allotment of industrial plot in favour of Sanjeev Modi.

W.P.(C) 2708/20 is allowed. Sanjeev Modi gets the share of the Industrial Plot .

. W.P.(C) 1342 of 2021 stands dismissed as it has been brought on behalf of a non-existent firm dissolved much before the filing of the writ petition and also against the terms of its dissolution.

W.P.(C) 2505 of 2020 also fails and dismissed, as order cannot be passed till a formal order of allotment is passed in the favour of Sanjeev Modi by JIADA

Gopal Modi (Respondent) shall be at liberty to avail legal remedies as per law for enforcement of the terms of dissolution.

**CORAM: AMBUJ NATH. J**

***Zakrias Tigga vs. State of Jharkhand & Anr.***

**(Cr.Rev-516 of 2011)**

The petitioner had filed this revision application against the judgment dated 20.05.2011, passed by Sri Sanjay Prasad learned Principal Judge, Family Court, Ranchi, (As his Lordship was then), in Maintenance Case No. 90 of 2006 filed by the opposite party, namely Salomi Tigga, whereby and wherein, the Principal Judge Family Court, Ranchi directed the petitioner to pay Rs. 2500/- per month by way of maintenance to the opposite party along with the arrear amount from 20.05.2011 within 3 months from the date of passing of the order.

The opposite party no. 2 Salomi Tigga has claimed to be wife of the petitioner. She has stated that their marriage was solemnized on 22.02.1970. There were two children out of the wedlock, a son namely Prakash Tigga and a daughter namely Dawlin Tigga. The petitioner was working as a registration clerk S-5 grade in Ispat Hospital Mecon Township having monthly salary of Rs. 18000/-. Since last three years i.e., since 2003 the opposite party no. 2 was residing separately from the petitioner with her children. she came to know that the petitioner was having illicit relationship with a girl who was presently residing with him in quarter number C-118, Shyamali Colony, Mecon. She has claimed a maintenance of Rs. 10,000/- per month from the petitioner.

The petitioner appeared on notice and has filed contesting show cause. The marriage

between the parties have not been denied. It has been stated that the petitioner was minor at the time of occurrence and their marriage was not solemnized as per the tribal customary law. It has been pleaded that the marriage between the petitioner and the opposite party no. 2 was void-ab-initio. It has also been pleaded that the opposite party no. 2 subsequently eloped with one Meghwa Munda and started living with him as wife. After her elopement in the year 1990, when the whereabouts of the opposite party no. 2 was not known to the petitioner, he presumed that either she has died or she has left his company forever and subsequently he solemnized marriage with one Neoran Tirkey in the year 1990. From this wedlock he has two daughters and one son. It has further been pleaded that the monthly salary of the petitioner is Rs. 6000/- and not Rs. 18000/- as claimed by the opposite party no. 2. It was further pleaded after the death of Meghwa Munda the opposite party no. 2 started haunting the petitioner. It has further been pleaded that the opposite party no. 2 was employed in Bharat spun Pipe, Lalpur Ranchi having a monthly income of Rs. Rs. 3000/-. Daughter of the opposite party no. 2 was also working. On these grounds, it was prayed that the application under section 125 Cr. P.C. filed by the opposite party no. 2 was not liable to be maintained and was liable to be dismissed.

Held-that the opposite party no. 2 had willfully deserted the petitioner in the year 1990 due to which he subsequently remarried. It further appears that the opposite party no. 2 has her own monthly income. In view of these facts, she is not entitled to maintenance from petitioner.

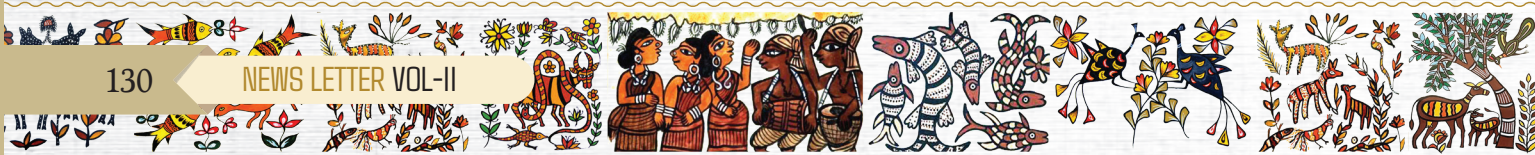
**CORAM: AMBUJ NATH. J**

***Bindhyachal Singh Vs. State of Jharkhand & Anr.***

**(Cr.Rev-1509 of 2015)**

The petitioner had filed this revision application against the judgment dated 28.08.2015, passed by Sri. Om Prakash Pandey No. 1, learned Principal Sessions Judge, Sahibganj, passed in Cr. Appeal No. 31/2014, whereby and wherein, the learned Principal Sessions Judge, Sahibganj, dismissed the appeal of the petitioner and affirmed the judgment of conviction and order of sentence dated 03.03.2014, passed by Sri. Prabhakar Singh, learned S.D.J.M, Sahibganj in connection with P.C.R. Case No. 229/2007, holding the petitioner guilty of offence under section 138 of the N.I. Act, 1881 and thereby sentencing him to undergo imprisonment for one year for the aforesaid offence and further directing him to make payment of Rs. 6,50,000/- as compensation to the opposite party no. 2 Ramesh Kumar Choudhary.

-The prosecution case was instituted on the basis of complaint petition filed by the opposite party no. 2, Ramesh Kumar Choudhary, alleging therein that he had business transaction with the petitioner. He had supplied hardwares to the petitioner. Against the supplies of



hardwares, the petitioner had issued a cheque of Rs. 6,50,000 to the opposite party no. 2 vide cheque no. 735679 dated 12.02.2007, drawn on the State Bank of India, C.M.P.D.I., Branch, Ranchi. The said cheque was presented for encashment in U.T.I. Bank Limited, Bhagalpur Branch on 28.03.2007. The cheque was returned to the opposite party no. 2 with endorsement that it could not be cashed for want of sufficient fund in the account of the petitioner. The endorsement from the bank was received by the opposite party no. 2 on 11.05.2007. The opposite party no. 2 telephonically informed the petitioner that his cheque has bounced. Subsequently lawyers notice was also given to the petitioner on 02.06.2007 vide registered post with acknowledgement due requesting the petitioner to pay the cheque amount within 15 days from the receipt of the notice. The notice was duly served upon him. In spite of the receipt of the said notice the petitioner did not take any steps towards the repayment of the bounced amount.

-Learned lawyer appearing on behalf of the petitioner submitted that no evidence has been led by the opposite party no. 2 as to when the notice was received by him. It was submitted that this being the case the deemed service of notice should be presumed only after the lapse of 30 days from the date of dispatch of legal notice and subsequently after considering the period of 15 days the time given in the notice to repay the amount, it is evident that this complaint petition has been filed prematurely.

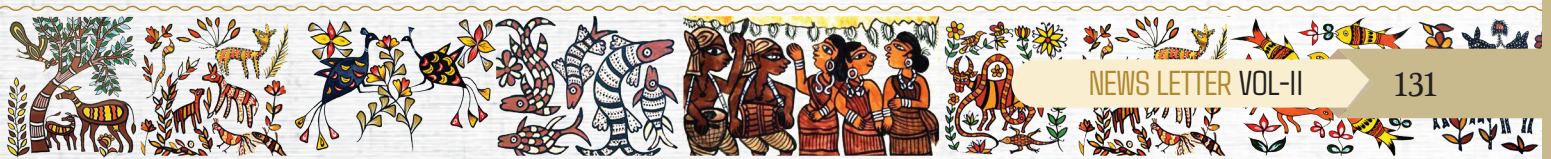
-It was further submitted that the cheque was issued at Ranchi and it was placed for encashment in Bhagalpur Branch and as such the Civil Court of Sahibganj has no territorial jurisdiction to adjudicate the dispute.

-It is admitted case of the prosecution that the cheque was presented in the bank on 28.03.2007, in the account of complainant in UTI Bank Limited at Bhagalpur branch. The cheque was returned by the bank on 07.05.2007 as it could not be honoured for want of sufficient funds in the account of the petitioner. After dishonour of the cheque, the complainant had sent a legal notice to the petitioner on 02.06.2007 for payment of the cheque amount within 15 days.

-Learned lawyer appearing on behalf of the opposite party no. 2 conceded the fact that there is no evidence on the record to show as to on which date the petitioner had received the legal notice.

-In absence of any clinching evidence as to the date of service of legal notice upon the opposite party no. 2, a presumption of valid service of notice can be raised only after lapse of 30 days from the date of dispatch of legal notice. The legal notice was dispatched on 02.06.2007, as such it will be presumed that the same was served upon the petitioner on 01.07.2007. Thereafter 15 days shall be counted against the time given to the petitioner to return the cheque amount.

The present complaint case was filed on 23.06.2007, this fact really manifests that the complaint case was instituted prematurely.



Held-The opposite party no. 2 had presented a cheque for encashment in his account at UTI Bank Limited Bhagalpur branch. Accordingly, it is apparent that the Civil Court at Sahibganj had no jurisdiction to try the present case.

In view of the aforesaid facts; the judgment of conviction and order of sentence dated 03.03.2014 passed by the learned trial court is set aside.

**CORAM: AMBUJ NATH.J**

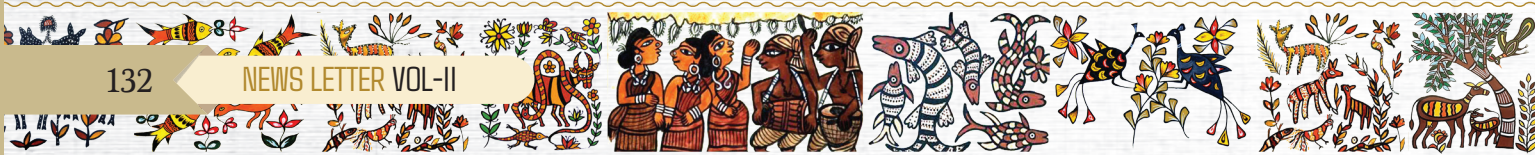
***Ali Hussain Vs. State of Jharkhand***

**(Cr. Rev-1253 of 2016)**

The petitioner had filed this revision application against the judgment dated 20.08.2016, passed by Sri Mahesh Prasad, learned Additional Sessions Judge-IV, Dhanbad, in Cr. Appeal No. 230/2011, whereby and wherein, the learned Additional Sessions Judge-IV, Dhanbad, dismissed the appeal of the petitioner and upheld the judgment of conviction and order of sentence dated 17.09.2011, passed by Sri Santosh Kumar, learned J.M.F.C., Dhanbad in connection with G. R. Case No. 1211 of 2008, arising out of Nirsa P. S. Case No. 75/2008, holding the petitioner guilty of offence under sections 25(1-B)(a)/26 of the Arms Act and thereby sentencing him to undergo rigorous imprisonment for one year for the offence under section 25(1-B)(a) of the Arms Act alongwith a fine of Rs. 2,000/-. The petitioner was further directed to undergo rigorous imprisonment for 6 months along with a fine of Rs. 1,000/- for the offence under section 26 of the Arms Act, in default of payment of fine, the petitioner was further directed to undergo simple imprisonment for one month and 15 days respectively. Both the sentences were ordered to run concurrently. The period already undergone in custody by the petitioner during the trial was ordered to be set off.

-The prosecution case was instituted on the basis of self-statement of the informant, Radhika Raman Minz, police officer of Nirsa police station alleging therein that on 27.04.2008, at about 10 : 30 p.m. he was on night patrolling duty, when he alongwith Police Party reached near river Bajina at Boka Pahari, he saw some persons in a toddy shop. On seeing the police party, they started fleeing away, being suspicious police party chased them and apprehended the petitioner Ali Hussain and a loaded country made pistol was recovered from his possession.

-From the perusal of the documentary evidence adduced by the prosecution, it transpires from the seizure list Ext.-5 that a loaded country made pistol has been recovered from a place near Sikhpur Basti. On 27.04.2008 at about 10 : 30 p.m., the seizure list does not disclose as to from whose possession the seized firearm was recovered. Though, the petitioner has signed the seizure list. It is admitted case of the prosecution that the seized firearms were not sealed at the place of occurrence.



In the present case, it is admitted that the seized firearms were not sealed at the place of occurrence. There is further infirmity in the seizure list as it has not been shown that the seized firearms were recovered from the conscious possession of the petitioner. Even the informant has stated that he cannot say as to from whose possession firearms were seized.

**Held-**

That prosecution has not been able to prove its case against the petitioner for the offence under section 25(1-B)(a) and 26 of the Arms Act.

Accordingly, The judgment of conviction and order of sentence passed by the learned trial court and so affirmed by the learned appellate court is set aside.

**CORAM: AMBUJ NATH.J**

***Bhut Hembram Vs. State of Jharkhand***

**(Cr.Rev-978 of 2016)**

Petitioner-Bhut Hembram had filed this revision application against the judgment dated 21.01.2016, passed by Shri. Girish Chandra Sinha, Additional Sessions Judge-I, Seraikella in Cr. Appeal No. 02/2014, whereby and wherein, the learned Additional Sessions Judge-I, Seraikella dismissed the appeal of the petitioner and upheld the judgment of conviction and order of sentence dated 20.12.2013, passed by Syed Matloob Hussain, Chief Judicial Magistrate, Seraikella in G.R. No. 50/2005 arising out of Adityapur (R.I.T) P.S. Case No. 14/2005, holding the petitioner guilty of the offences under sections 272 and 273 of the Penal Code, 1860 and Section 47(a) of Excise Act and thereby sentencing him to undergo R.I two month each for the offences under sections 272 and 273 of the Penal Code, 1860. He was further sentenced to undergo R.I for one year for the offence under section 47 of the Excise Act along with a fine of Rs. 1,000/-. In default of payment of fine, he was further sentenced to undergo S.I for two months. Both the sentences were ordered to run concurrently.

-Prosecution case was instituted on the basis of self statement of the Informant Sadanand Singh, Officer-in-charge of R.I.T Police Station, alleging therein that on 12.01.2005, he was on law and order duty. When he reached near Banta Nagar, he received confidential information that co-accused Pathar Mukhi had kept illicit liquor in his house and some persons were consuming liquor there. On the basis of this information, house of Pathar Mukhi was raided. On search, 35 litres of country made liquor was recovered from there. Subsequently, on the same day, house of the petitioner Bhut Hembram was also raided and 35 litres of country made liquor was also recovered from there.

-Vipin Kumar Choudhary (P.W-2) is the Investigating Officer of this case. He has proved



the place of occurrence which is the house of the Petitioner. He has stated that the seized liquor was sent for examination. Ext.-3/1 is the report received from the Chemical Examiner, wherein it has been mentioned that the seized liquor could not be chemically examined. However, subsequently, there is endorsement of Chemical Examiner dated 24.06.2005 i.e. after five months from the date of recovery, that the seized contraband smelled like country made liquor.

-Ms. Sharda Kumari, learned Amicus Curiae, appearing on behalf of the petitioner, submitted that in order to prove that illicit country made liquor has been recovered from the house of the accused, prosecution has to chemically examine the seized liquor and report has to be adduced after chemical analysis that the recovered contraband was illicit liquor. Reliance has been placed upon the decision of the Patna High Court in the case of Dudhnath Yadav v. State of Bihar reported in [1980 0 Supreme (Pat) 82]. Reliance has also been placed upon decision of Punjab and Haryana High Court in the case of State of Haryana v. Radhey shyam reported in [1977 Cri LJ 528], wherein it has been held that mere smell test and examination with the help of Hydrometer is not conclusive that the seized contraband was illicit liquor.

-In the present case, it has been reported that the seized contraband smelled like liquor. This evidence is not conclusive to prove that 35 litres of recovered contraband was country made liquor. Confirmatory test is chemical analysis test. In absence of which, it cannot be said that country made liquor was recovered from the house of this petitioner.

Held-that both the learned Trial Court as well as the learned Appellate Court have come to an erroneous finding regarding the guilt of the petitioner for the offences under section 47(a) of the Excise Act and section 272 and 273 of the Penal Code, 1860. Accordingly, judgment of conviction and order of sentence passed by the learned Trial Court, so affirmed by the learned Appellate Court, is set aside.

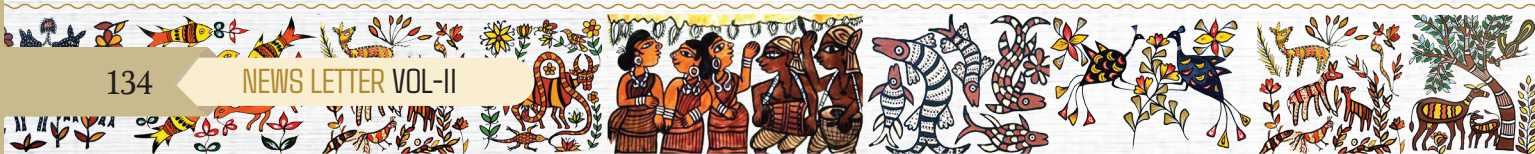
**CORAM : RATNAKER BHENGRA.J AND AMBUJ NATH.J**

*Rabindra Gope Vs. State of Bihar*

**Cr. Appeal (DB)-42 of 1999(R)**

Appellant-Rabindra Gope had filed this appeal against the judgment of conviction and order of sentence dated 21.12.1998, passed by Shri Tarkeshwar Prasad, Sessions Judge, Gumla in S.T. No. 143 of 1998 arising out of Sisai P.S. Case No. 17 of 1998 corresponding to G.R. No. 78 of 1998, holding the appellant guilty for the offence under section 302 of the Penal Code, 1860 and thereby sentencing him to undergo imprisonment for life.

-Prosecution case was instituted on the basis of the fardbeyan of Anita Devi, wife of the



appellant, alleging therein that on 06.02.1998, appellant returned from the house of one Krishnabege Uraon and took away their son Santosh Kumar, aged about four years near a Shiv Mandir and murdered him in a very brutal manner.

-Case of the prosecution is that the appellant Rabindra Gope has murdered his four years old son namely Santosh Kumar. The Informant Anita Devi who was an eyewitness to the occurrence, has not supported the prosecution case. She has only stated that her son Santosh Kumar died nine months ago. There was some altercation between her and her husband. Later on, she saw the dead body of her son. She has been declared hostile. It further appears that none of the prosecution witnesses have supported the prosecution case that the appellant had murdered his four years old son namely Santosh Kumar.

-From perusal of the impugned judgment, it transpires that the learned Trial Court had held the appellant guilty for the offence under section 302 of the Penal Code, 1860 only on the ground that it has been mentioned in para-27 of the case diary that the appellant was handed over to the police by the villagers after the occurrence. Prosecution has not examined the Investigating Officer in this case. Any entry in the case diary and that too when the I.O. has not proved such entry or the same has not been adduced in evidence, cannot be read in evidence against the accused, as it is not a substantive piece of evidence.

As discussed, none of the prosecution witnesses have supported the case of the prosecution that the appellant had committed murder of his son Santosh Kumar.

Held-

that the prosecution has not been able to prove its case against the appellant for committing offence under section 302 of the Penal Code, 1860. Learned Trial Court has erred in holding the appellant guilty for the aforesaid offence. Accordingly, the judgment of conviction and order of sentence passed by the learned Trial Court is set aside.

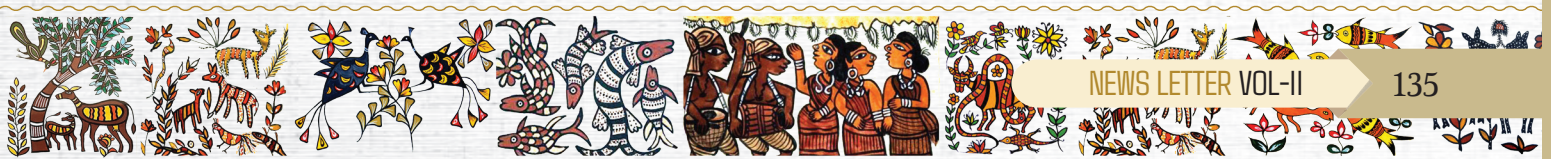
**CORAM : HON'BLE MR. JUSTICE NAVNEET KUMAR**

**Cr. Appeal (S.J.) No. 421 of 2011**

***Feroz Sheikh Vs. The State of Jharkhand***

**Decided on. 11.07.2023**

BRIEF FACTS: This criminal appeal was directed against the judgement of conviction and order of sentence dated 10.06.2011, passed by learned Sessions Judge, Pakur, in S.C. Case No. 239 of 2008, whereby and where under the appellant was convicted and sentenced to undergo R.I. for 3 years with fine of Rs.1,000/- for committing the offence punishable



under Section 452 of the IPC and further sentenced to undergo R.I. for 7 years for the offence punishable under Section 376 of the IPC, with fine of Rs.1,000/-.

#### **FINIDNGS OF THE HON'BLE COURT:**

In view of the appraisal of the evidences adduced on behalf both the parties (the prosecution and the defence), the Court found that the learned Trial Court has committed gross error in the appreciation of the evidences in a balanced manner adduced on behalf of both the parties. The learned Trial Court has completely discarded to appreciate the contradictions and inconsistencies found in the testimonies of the witnesses examined on behalf of the prosecution in their earlier statements and subsequently recorded during the course of trial before the Court. The I.O., examined in this case as P.W.-6, whose attention was drawn by the defence with respect to the earlier statements of the victim, her sister, independent witnesses and other witnesses, and it was found that the defence taken on behalf of the appellant that the appellant and the victim had solemnised the marriage and the dispute arose between them due to one Den Mehar and the landed property of 2 Kathas cannot be denied and as such the benefit of doubt is given to the appellant.

#### **CORAM: HON'BLE MR. JUSTICE NAVNEET KUMAR**

**Cr. Appeal (SJ) No. 385 of 2011**

***Chatradhari Sonar @ Chatradhari Swarnkar & Anr.***

***Vs.***

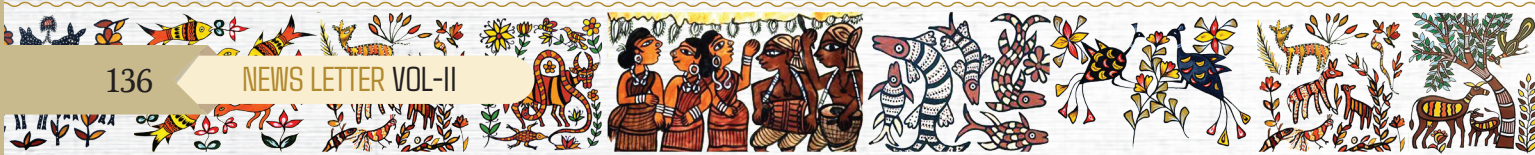
***The State of Jharkhand***

**Decided on. 07.07.2023**

**BRIEF FACTS:** This appeal was directed against the judgment and order of sentence dated 29.04.2011 passed in Sessions Trial No. 280 of 2003 arising out of Giridih (M) P.S. Case No. 357 of 2001, by the Court of learned Special Judge, Giridih whereby and whereunder the appellants were convicted for the offence punishable under Sections 323/34 of the IPC and Sections 3(1)(v) and 3(1)(xv) of the SC/ST Act.

#### **FINIDNGS OF THE HON'BLE COURT:**

In the light of the observations of the Hon'ble Supreme Court, it was found in the present case that admittedly the dispute was with respect to the landed property between both the parties and the use of abusive languages were not because the informant belonged to either SC or ST community, rather, the dispute was with respect to the landed property, which was an admitted fact and also evident from the documentary and oral evidences. It is mandate of the Sections 3(v) and 3(xv) of SC/ST Act that an offence must have been



committed against a person belonging to SC or ST community. By the offender when offender have had intention to humiliate or insult the victim because the victim was belonging to S.C. or S.T. community but there was no iota of evidence in the present case to substantiate these facts. In the backdrop, the impugned judgment of conviction and order of sentence passed by the Court of learned below against the appellant were bad in law and fit to be set aside.

**CORAM: HON'BLE MR. JUSTICE SUJIT NARAYAN PRASAD**

**& HON'BLE MR. JUSTICE NAVNEET KUMAR**

**Cr. Appeal (D.B.) No. 631 of 2017**

***Lukhin Hembrom @ Bhara Hembrom Vs. The State of Jharkhand***

**Decided on. 05.10.2023**

**BRIEF FACTS:** This appeal was directed against the judgment of conviction dated 04.02.2017 and order of sentence dated 06.02.2017 passed in Sessions Trial No. 74 of 2012 by the court of Learned District & Additional Sessions Judge-III, Dumka whereby and whereunder the appellant was convicted for the offence punishable under Section 302 of the Indian Penal Code and has been sentenced to undergo imprisonment for life with a fine of Rs. 25,000/-

**FINIDNGS OF THE HON'BLE COURT:**

It has come into the evidence that only one witness had come after raising alarm who was an independent witness i.e., P.W.4 and he did not disclose the name of the appellant and further it is found that the learned Trial Court has acquitted the appellant for the charges leveled against him for the offence punishable under Section 6 of the Prevention of Witch (Daain) Practices Act, 1999 and thus the entire motive for killing the deceased does not exist.

Murder is not a normal incident but it is very specific offence and when it is committed in such type of village locality then normally people tried to rush towards the incident after hearing hue and cry and in this order usually they see some part of the incident such as, seeing the accused running away from the scene of evidence but in this case only one important independent witness P.W.4 is said have arrived at the place of occurrence immediately on hearing alarm (hulla) and he stated that he did know as to who had killed the deceased. Also, apart from PW-4, no other person had seen the part of incident. Apart from this, there was proved enmity between appellant and deceased family and hence false implication cannot be ruled out. Therefore, under the circumstances of the case, benefit of doubt goes to the appellant.



**CORAM: HON'BLE MR. JUSTICE NAVNEET KUMAR****Cr. Revision No. 45 of 2023*****Shivkant Kumar Petitioner Vs. The State of Jharkhand*****Decided on. 18.07.2023**

**BRIEF FACTS:** This criminal revision was directed against the order dated 17.08.2022 passed by learned Additional Judicial Commissioner-XXI, Ranchi in S.T. No. 381 of 2022, whereby and where under the learned Court had framed charge under Sections 376(2)(n), 417 and 406 of the Indian Penal Code in connection with Mahila P.S. Case No. 11 of 2021.

**FINIDNGS OF THE HON'BLE COURT:**

It was found by the Court that no discharge petition had been filed on behalf of the petitioner-accused as the same was not available on record. Also, the trial of the case had commenced and two of the witnesses were examined including P.W.-2, the victim and therefore, at this belated stage in its criminal revisional jurisdiction, this Court found no occasion to analyse and marshal the depositions and testimonies of the victim and others who were examined during the course of trial and the learned Court below did not arrive at a finding on the said depositions of P.W.-2 (Victim) who had deposed during the course of trial which was still pending in the learned Court below and trial of the case was going on. Therefore, in the facts and circumstances of this case, this Court did not find any merit in the criminal revision application and therefore the same was rejected.

**CORAM: HON'BLE MR. JUSTICE NAVNEET KUMAR****Cr. Revision No. 683 of 2023*****Suresh Prasad Gupta Vs. The State of Jharkhand*****Decided on. 07.07.2023****BRIEF FACTS:**

The instant criminal revision was directed against the order dated 15.05.2023 passed in Pakuria P.S. Case No. 89 of 2022 by the court of learned Judicial Magistrate 1st Class, Pakur whereby the prayer for release of the vehicle of the petitioner made through Misc. Criminal Application no. 767 of 2023 was rejected.

**FINIDNGS OF THE HON'BLE COURT:**

It has been held that there were two different proceedings including the confiscating proceeding at one hand and criminal proceeding on the other hand against the petitioner, who was an accused for the charges that sand was being transported illegally through the vehicle in question. Even if the vehicle was released, the concerned confiscation



authorities would continue with confiscation proceedings, if any, as per the provisions of law, rules and regulations in this regard. There is no bar that if the vehicle is released, confiscation proceeding would be terminated and therefore the concerned authority is at liberty to proceed as per the provision of law for confiscation of the vehicle in question. It has also been found that no useful purpose would be served to allow the vehicle to destroy by rust over a period of time in anticipation of a criminal proceedings, moreover when the vehicle being the tractor in question is commercial in nature. In view of the facts and circumstances of this case, it was just and proper to allow the vehicle to be released in favour of the petitioner on his furnishing indemnity bond of Rs.5,30,000/- with two sureties of the like amount each along with other relevant conditions to ensure fair criminal proceedings pending against the accused.

**CORUM: HON'BLE MR. JUSTICE SANJAY PRASAD**

***Asit Nitin Tirkey Vs. The State of Jharkhand***

**[Cr. Rev. No.- 977 of 272017; DOJ-27.09.2023]**

A Single Bench of this Hon'ble Court (Sanjay Prasad, J.) while dealing with the Criminal Revision of the Petitioner who was convicted and sentenced vide judgment dated 22.07.2015 passed by C.J.M., Simdega in P.S. No.- 163 of 2013[G.R. No.- 552 of 2013, T.R. No.- 177 of 2015], whereby the petitioner have been convicted for the offence u/s 411 of IPC and has been sentenced to undergo S. I. for period of 3years and subsequently affirmed in appeal by the Ld. Add. Sessions Judge, Simdega on 20.12.2016. This Hon'ble Court held that the police had not conducted T.I.P. of the accused and the Petitioner-Asit Nitin Tirkey was not put on T.I.P. for his identification, although the informant has claimed in the FIR that he can identify the three accused persons. Therefore, it is evident that the prosecution has not been able to prove that its case against the accused-petitioner-Ashit Nitin Tirkey beyond shadow of all reasonable doubts and hence the petitioner is entitled to be acquitted.

**CORUM: HON'BLE MR. JUSTICE SANJAY PRASAD**

***Jagdish Nayak & Ors. Vs. The State of Jharkhand***

**[Cr. Revision No.- 658 of 2017, DOJ- 20.09.2023];**

A Single Bench of this Hon'ble Court (Sanjay Prasad, J.) while dealing with the Criminal Revision of the Petitioner who were convicted and sentenced for 3 months u/s 379 of IPC, vide judgment dated 24.02.2014 passed by Ld. J.M. 1st, Class, Giridih in Complaint Case No.- 4 of 2008 [T.R. No.-493 of 2014] and subsequently affirmed in appeal by the Ld. District and Additional Sessions Judge Viii, Giridih on 31.01.2017. This Hon'ble Court held that it is well settled that in a case of bona fide land dispute, no offence of theft of paddy crops is made out as both the sides i.e. the complainant and the accused persons are the co-sharers of the land in question.



**CORUM: HON'BLE MR. JUSTICE SANJAY PRASAD***In the case of Mahabir Prasad Vs. The State of Jharkhand & Ors.***[Cr. Revision No.- 135 of 2022, DOJ- 27.07.2023]**

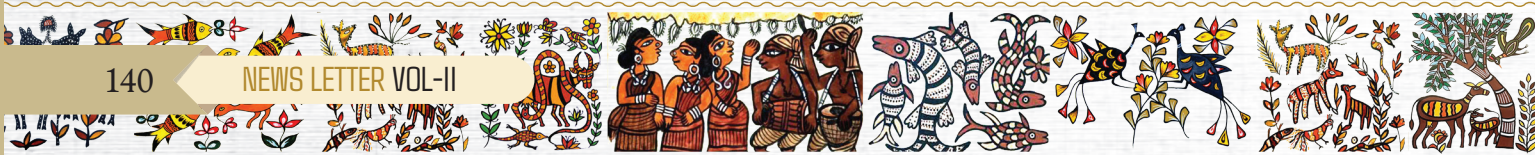
Single Bench of this Hon'ble Court (Sanjay Prasad, J.) while dealing with the Criminal Revision, wherein the petitioner was directed to pay maintenance amount of Rs. 15,000/- to Opp. Party (wife) under section 125 of Cr.P.C. by Ld. Principal Judge-cum-Family Court, Latehar in Maintenance Case No.- 11 of 2019. This Hon'ble Court held that it is always difficult for a wife to come with documentary proof of the assets and property of her husband and the Ld. Court below ought to have obtained affidavits with regard to assets and liabilities of both the sides particularly, when the husband is trying to conceal his real income.

**CORUM: HON'BLE MR. JUSTICE SANJAY PRASAD***In the case of Kausar Ansari Vs. The State of Jharkhand & Ors.***[Cr. Revision No.- 3 of 2022, DOJ- 15.09.2023]**

Single Bench of this Hon'ble Court (Sanjay Prasad, J.) while dealing with the Criminal Revision, wherein the petitioner challenged the order of maintenance u/s 125 of Cr.P.C. passed by Ld. Principal District Judge, Ramgarh in Maintenance Case No.- 23 of 2013. This Hon'ble Court held that no illegality has been committed by Ld. Court below by awarding maintenance of Rs. 5,000/- p.m. to the Opposite Party No.....- and Rs. 4,000/- p.m. to her child total Rs. 9,000/-p.m. from the date of judgment, and the petitioner has failed to file an affidavit with regard to income in light of the judgment rendered by the Hon'ble Apex Court in the case of Rajneesh vs. Neha Arora.

**CORUM: HON'BLE MR. JUSTICE SANJAY PRASAD***In the case of Ashok Kumar Jha @Ayman Khan Vs. Hema Jha & Anr.***[Cr. Revision No.- 557 of 2017, DOJ 14.09.2023]**

Single Bench of this Hon'ble Court (Sanjay Prasad, J.) while dealing with the Criminal Revision, wherein the petitioner challenged the order of maintenance u/s 125 of Cr.P.C. passed by Ld. Principal Judge, Family Court Ranchi in Original Maintenance Case No.- 106 of 2014. This Hon'ble Court held that it is well settled that computer generated copy or E-generated copy of salary slip is admissible in evidence. In view of this, I find, it is evident that no illegality has been committed by the Ld. Court below by allowing the Maintenance case in favour of the opposite party.



**CORUM: S. CHANDRASHEKHAR AND PRADEEP KUMAR SRIVASTAVA, JJ.**

**AUTHOR BY: PRADEEP KUMAR SRIVASTAVA, J**

***Nishant Singh Kumar @ Nishant Versus The State of Jharkhand & Ors.***

**W.P. (Cr.) (D.B.) No. 551 of 2023.**

**decided on November 8, 2023**

Jharkhand Control of Crimes Act, 2002, Section 3(a)(b)(i)(ii)-Show-cause notice under-Objection filed-Order passed directing to mark his attendance every day at 10.00 a.m. before officer-in-charge of Thana for a period of six months with further direction to deposit his licensed arms if any and not to keep any arms with him-Legality of Perusal of materials on record-In the show-cause notice there is no whisper about general nature of the material allegations except pendency of two criminal cases under IPC against the petitioner- Satisfaction of DM is based upon only two cases-No statement of fact that petitioner is a member of any gang and his movements in the locality is causing disturbance to the peace and public order-In one case petitioner is on bail and charge-sheet has been submitted-In another case petitioner is not named in the FIR which is lodged against unknown miscreants- No direct allegation against the petitioner for commission of any crime-No material on record showing that the petitioner is not abiding the terms and conditions of bail bond or not co-operating in the investigation of the case-The very foundational facts for initiation of proceeding under Section 3 of the 2002 Act are lacking- Order impugned passed does not satisfy the requirements of law and violative of right of the petitioner as guaranteed under Article 21 of the Constitution of India-An alternative remedy by itself does not divest the High Court of its powers under Article 226 of the Constitution on an appropriate case-Order impugned passed by District Magistrate is unsustainable- Set aside Petition allowed.

**CORUM: S. CHANDRASHEKHAR AND PRADEEP KUMAR SRIVASTAVA, JJ**

**AUTHOR BY: PRADEEP KUMAR SRIVASTAVA, J**

***Prem Ranjan & Ors. VS Jharkhand State Staff Selection Commission & Ors.***

**L.P.A. No. 146 of 2019**

**Decided on: 08.11.2023**

School Laws-Appointment-Post of Combined Graduate Trained Teachers- Rejection of prayer for cancelation of Combined Graduate Trained Teachers Competitive Examination held by Jharkhand Staff Selection Commission-Appellants had appeared in examination without any objection and after being declared unsuccessful, they have raised objection

with respect to standard of questions, which is not sustainable at all in eyes of law- Court should be very slow in interfering with expert opinion in academic matter and in any event, assessment of questions by court itself to arrive at correct answer is not permissible- There is no substance in pleas taken by appellants regarding wrong/out of syllabus or accurate language of questions in Hindi version etc., to make a ground for re-evaluation or cancellation of examination-Letters Patent Appeal dismissed.

**CORAM: PRADEEP KUMAR SRIVASTAVA, J.**

*Prabhash Kumar Shah, Versus  
Anupama Jaiswal,*

**Second Appeal No.231 of 2016**

**Decided on : 06-12-2023**

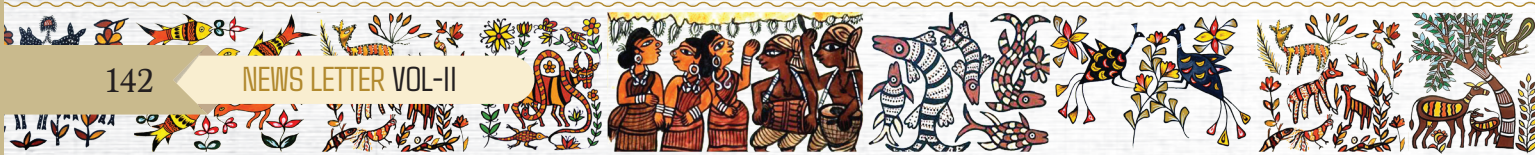
**Void Sale Deeds** - Property Dispute - Indian Registration Act, 1908, Section 28, Section 30 - The court discussed the relevant provisions of the Indian Registration Act and the Bihar (Amendment) Act, 1991. The judgment emphasized the application of Article 254 of the Constitution of India in resolving the conflict between the laws enacted by the State Legislature and the Parliament. The court referred to leading judgments of various High Courts and the Supreme Court to establish the legal framework applied in reaching its decision.

**Fact of the Case:** The case involved a property dispute where the plaintiffs sought relief for the cancellation of two sale deeds executed by the deceased plaintiff in favor of the defendants. The defendants claimed that the property was not part of the gifted property and that the sale deeds were executed with full consideration and in a proper manner.

**Finding of the Court:** The trial court decreed the suit in favor of the plaintiffs, declaring the sale deeds as void under the Indian Registration Act, while the appellate court upheld the decision. However, the second appeal set aside the concurrent findings and judgments of both courts, dismissing the suit of the plaintiff/respondent.

**Issues:** The issues included the maintainability of the suit, cause of action, limitation, principles of estoppel, waiver, and acquiescence, joint family property, validity of the sale deeds, and relief entitled to the plaintiffs.

**Ratio Decidendi:** The court's decision was based on the interpretation of the relevant provisions of the Indian Registration Act, 1908, and the Bihar (Amendment) Act, 1991, in the context of Article 254 of the Constitution of India. The court found that the sale deeds were not vitiated by any fraud, misrepresentation, or coercion, and declared the approach of the lower courts as not satisfying the constitutional mandate.



**Final Decision:** The second appeal set aside the concurrent findings and judgments of both courts, dismissing the suit of the plaintiff/respondent.

**CORUM: PRADEEP KUMAR SRIVASTAVA, J.**

*Arun Raisurana Versus*

*Jamshedpur Property Developers Private Limited and ors*

**C.M.P. No. 222 of 2021**

**Decided On : 31-10-2023**

Partition Act, 1893-Section 4- Transfer of Property Act, 1882- Section 44-petition filed by petitioner for quashing the order passed by court below rejecting the application of petitioner filed u/s 4 of Partition Act, 1893 r/w Section 44 of TP Act on the ground that said application was premature as no preliminary decree was passed till then in said partition suit-the restriction imposed on the stranger transferee in a share of one or more of the co-owners in a dwelling house by Section 44 is tried to be further extended by Section 4 with a view that such transferee washing his hands off from such a family dwelling house and gets satisfied with the proper valuation of his share, which will be paid to him by pre-empting co-share or co-shares, as the case may be suit premises is old dwelling house, which belonged to seven co-sharers, who were members of undivided family and at present sole co- share is petitioner/defendant-plaintiff has purchased 6/7th share in the said dwelling house and instituted a suit for partition- therefore, petitioner has got valid right u/s 4 of Partition Act, 1893 r/w Section 44 of TP Act to exercise his right of pre-emption at any stage of the suit-impugned order set aside court below directed to rehear the application of petitioner and passed.

**CORUM: PRADEEP KUMAR SRIVASTAVA, J.**

**F.A. Nos. 95, 96 and 98 of 2018**

*Saryu Rajak & Ors. VS. Deputy Commissioner, Giridih.*

**Decided On : 7.12.2023**

Land Acquisition Act, 1894- Sections 18 and 54-Acquisition of land- Determination of compensation-While fixing market value of acquired land, land acquisition officer is required to keep in mind existing geographical situation of land, existing use of land, already available advantages, like proximity to National or State Highway or road and/or developed area; and market value of other land situated in same locality/village/area or adjacent or very near to acquired land-Market value is determined with reference to open market sale of comparable land in neighbourhood, by a willing seller to a willing

buyer, on or before date of preliminary notification, as that would give a fair indication of market value-One third deduction is permissible towards development cost at the time of valuation of acquired land to be used for roads, drains, and other facilities, subject to certain variations depending upon its nature, location, extent and development around the area-Appropriate deduction needs to be made for development cost, laying roads, erection of electricity lines depending upon location of acquired land and development that has taken place around the area-In instant case, sole purpose of acquisition of land is for development of pond for agricultural and commercial purposes-For construction of pond no considerable development is required-As such, view taken by Court below for reducing the 50% amount of market value only on account of big chunk of land does not stand reason-Deduction of 1/3rd valuation towards development charge appears to be just and reasonable- Impugned Judgment/Award modified to the extent that appellants shall be entitled for market value of land acquired Rs. 21,000/- per decimal-Appeals allowed.

**CORUM: PRADEEP KUMAR SRIVASTAVA, J.**

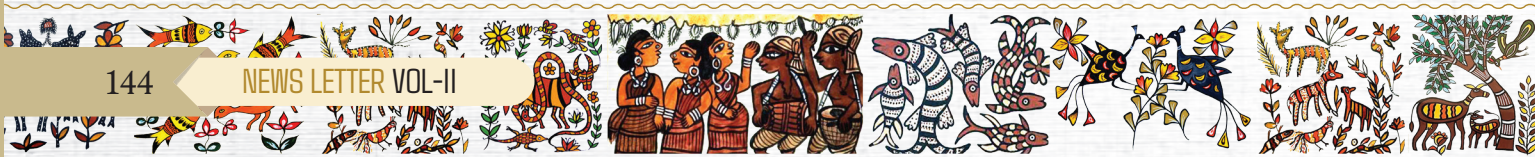
**M.A. No.218 of 2018 Decided On : 21.12.2023**

*Branch Manager, Bajaj Allianz General Insurance Co. Ltd. Appellant*

*VS. Binita Topno & Ors.*

**Decided On : 21.12.2023**

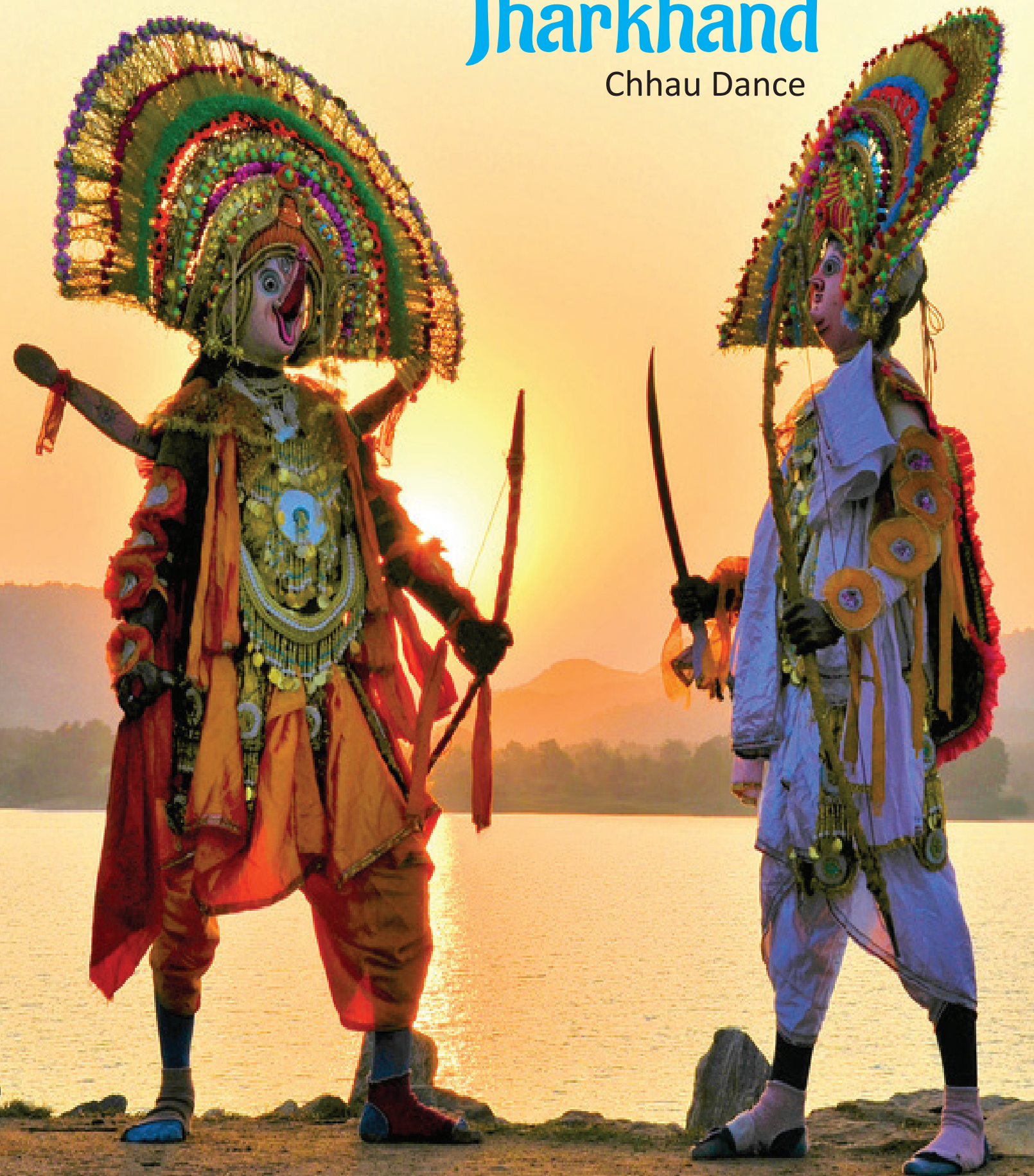
Motor Vehicles Act, 1988-Section 166-Death in motor accident- Compensation of Rs.6,08,540/- along with 6% interest awarded by Tribunal-Insurer cannot take benefit of any plea taken by insured unless and until it is proved- Driving license of deceased was found fake-It is comprehensive Private Car Package Policy in which additional premium has been paid for Employee-one person- Deceased was driving offending vehicle at relevant time of accident and due to his fault and negligence, accident resulted in his death-As per terms and conditions of policy, insurance company/appellant is liable to satisfy award amount with interest and then to recover the same from owner/ insured-Insurance company is liable to pay compensation for a Motor Vehicle Accident claim for a hired driver in the event of his death, even if accident is caused due to negligence of driver-This liability arises once insurer has accepted additional premium to cover liability of paid employee and to indemnify vehicle's owner- Appeal dismissed.



*News & Events*  
*District Judiciary*

# Jharkhand

Chhau Dance



## JUDICIAL NEWS & EVENTS OF DISTRICT COURTS OF JHARKHAND

### BOKARO

*Information about event organized during the period between July to December, 2023 alongwith a brief description*

*3rd Regional Conference of Judicial Academy Jharkhand for cluster 03 districts on Topic "Key Issues of Remand & Bail Jurisprudence"*

**T**he 3rd Regional Conference of Judicial Academy Jharkhand for cluster 03 districts (Dhanbad, Giridih, Bokaro) on Topic "Key Issues of Remand & Bail Jurisprudence" was organized on 6th August, 2023 at HRD Auditorium at BSL, Bokaro.

Hon'ble Mr. Justice Ahsanuddin Amanullah, Judge, Supreme Court of India was the Chief Guest of the Conference. Hon'ble Mr. Justice

Sanjaya Kumar Mishra, the then Chief Justice, High Court of Jharkhand, Ranchi alongwith his companion justices namely Hon'ble Mr. Justice S. Chandrashekhar, Hon'ble Mr. Justice

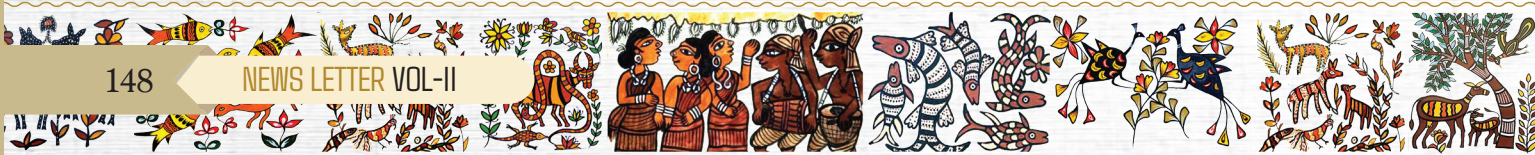


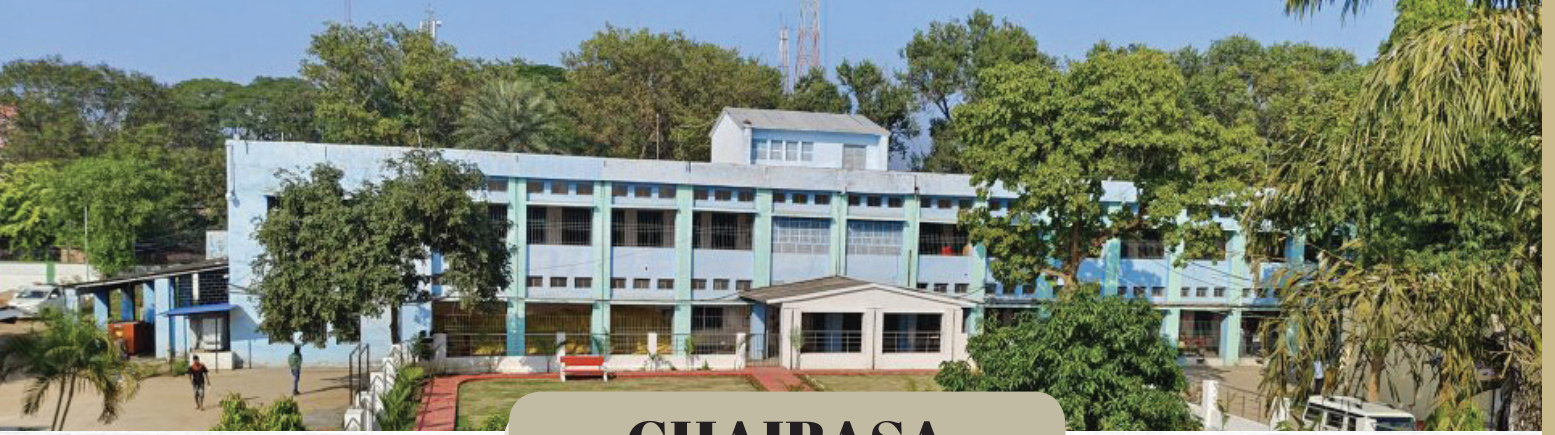
Sujit Narayan Prasad, Hon'ble Mr. Justice Rongon Mukhopadhyay, Hon'ble Mr. Justice Ananda Sen, Hon'ble Mr. Justice Rajesh Shankar, Hon'ble Mr. Justice Deepak Roshan, Hon'ble Mr. Justice Sanjay Prasad and Hon'ble Mr. Justice Pradeep Kumar Srivastava, were also present in the Conference.





The Conference was organized by Judicial Academy Jharkhand with the cooperation of District Judiciary and District Administration Bokaro as well as the Management of Bokaro Steel Authority. About 300 participants (Judicial Officers, Advocates, Public Prosecutors, Police Officers and other stake holders of the 03 Districts) have taken part in the Conference.





# CHAIBASA

Event organized during the period:-

A Legal Empowerment Camp was organized on 10th September, 2023 at the Auditorium, Kolhan University, Chaibasa in presence of Hon'ble Administrative Judge Sri Deepak Roshan, Judge, High Court of Jharkhand, Ranchi. The event was attended by the judicial officers, administrative and police officials of the district and other guests.



The beneficiaries of various schemes of government had shared their experiences which was overwhelming. Benefits under various schemes of government were distributed to 84 beneficiaries and a total amount of Rs. 21,65,000/- only was disbursed to the eligible beneficiaries.



News & Events



# DALTONGANJ

**A**wareness Program on Drug Abuse and the Eradication of Drug Menace was held on 28th September, 2023 where discussion was held on how to coordinate the activities of various stakeholders working in this field to ensure essential legal services to the victims of drug trafficking and drug abuse.

Mega Legal Empowerment Camp was conducted on 26th of November, 2023 in Sadar Block, Medininagar under the guidance of DLSA, Palamau where empowerment of citizens was elaborately discussed.

National Lok Adalat was conducted in the month of September and December, 2023 under the judgeship of Palamau where various cases including cheque bounce related matters, family disputes, electricity-related issues, land acquisition cases etc. were dealt. Various litigants participated actively in the resolution process resulting in resolution of more than 37000 cases.

## DHANBAD

*DLSA – Dhanbad-Events organized during July to December, 2023*

***District Level Multi Stake Holder’s Consultation held on 23.07.2023***

**A**s per the direction of Hon’ble JHALSA, Ranchi, The District Level Multi Stake Holder’s Consultation was held on 23.07.2023.

All the Ld. Judicial Officers of Dhanbad Judgeship, Officers from Executive & Government Departments, Civil Surgeon, Public Prosecutor & Addl. Public Prosecutors, Officers & Lawyers of Insurance Companies & Claimant Lawyers, Secretary and 50 members of Dhanbad BAR Association, Dhanbad , NGO, Probation Officers of POCSO Cases, Panel Advocates and PLVs of DLSA, Dhanbad and Dy. Superintendents of Police alongwith Officers from all Police Stations of Dhanbad district participated in the aforesaid programme.

***Special LokAdalat held on 22.07.2023 and 24.07.2023 to 27.07.2023***

A special lok adalat was held on 22.07.2023 and 24.07.2023 to 27.07.2023 on Civil, Matrimonial, NI Act, Criminal Compoundable Cases and Plea Bargaining. The statement of the same is as follows:



Sr. No.	Category of cases	Taken up	Disposed off	Settled amount
1	Civil	48	15	22,00,000
2	Matrimonial	37	06	00
3	NI Act	154	44	35,32,262
4	Cr. Compoundable	236	121	3,31,650
5	Plea Bargaining	44	39	21,800
<b>Total</b>	<b>519</b>	<b>225</b>	<b>60,88,712</b>	

### National Lok Adalat held on 09.09.2023

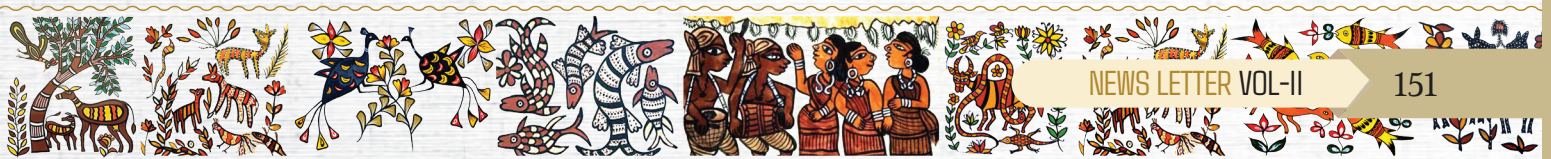
National Lok Adalat was held on 09.09.2023. Total 17 benches were constituted for settlement of cases such as Bank Matters, 138 NI Act, MACT Cases, Matrimonial Cases, Labour Disputes, Land Acquisition Cases, Revenue Cases, Railway Claims, Electricity, Petty Offences, Criminal Compoundable Cases, Civil Cases, Consumer Acts Cases, Municipal, Electricity and water Bills, Traffic Offences and Covered Matters, BCCL related matters etc. 80585 number of pre-litigation cases were settled resulting in settled amount of Rs. 1167715329/- and 10422 pending cases were settled resulting in settled amount of Rs. 58026316/-.



### Special Mediation Drive

A Special Mediation Drive on family matters was held from 11.09.2023 to 15.09.2023. Data of the same is as follows

Date	Case referred	Case settled
11 to 15 Sept, 2023	73	24



## District Level Workshop on MACT

District Level Workshop on MACT was held on 30.09.2023. Total 102 participants attended the workshop, which included Insurance Company Lawyers, Claimant Lawyers, Police Personnel, Para Legal Volunteers. Topics of the Workshop were as follows - Overview of Motor Vehicles Act, Disposal of MACT cases through Mediation, Role of PLVs in providing assistance to victims of Road Accidents and availability of free legal services to the victims through DLSA. The Workshop was presided by Ld. Addl. Sessions Judge III Sri Rajnikant Pathak.

## National Lok Adalat held on 09.12.2023

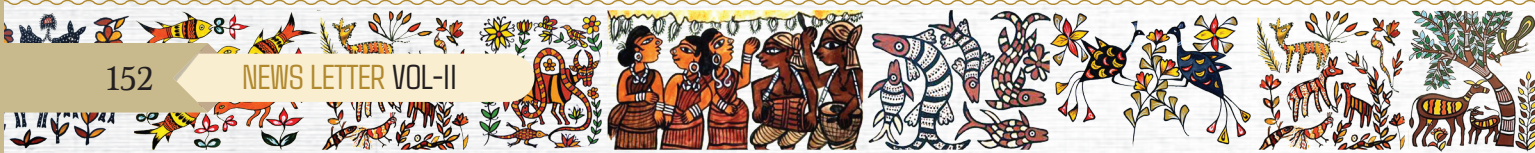
National Lok Adalat was held on 09.12.2023. Total 14 benches were constituted for settlement of cases such as Bank Matters, 138 NI Act, MACT Cases, Matrimonial Cases, Labour Disputes, Land Acquisition Cases, Revenue Cases, Railway Claims, Electricity, Petty Offences, Criminal Compoundable Cases, Civil Cases, Consumer Acts Cases, Municipal, Electricity and water Bills, Traffic Offences and Covered Matters, BCCL related matters etc. 80348 number of pre-litigation cases were settled resulting in settled amount of Rs. 12391880650/- and 8343 pending cases were settled resulting in settled amount of Rs. 47872296/-.



### Special Mediation Drive

A Special Mediation Drive on family matters was held from 11.12.2023 to 15.12.2023. Data of the same is as follows

Date	Case referred	Case settled
11.12.23 to 15.12.2023	57	20



## GARHWA

### *Legal Services -cum- Empowerment Camp on 30.07.2023*

Legal Services -cum- Empowerment Camps were organized on 30.07.2023 in all blocks of Garhwa district with active cooperation of the District Administration, Garhwa in the gracious presence of Hon'ble Mr. Justice Ratnaker Bhengra, Judge High Court of Jharkhand -cum- Administrative Judge of Garhwa Judgeship in which benefit of several schemes were provided to a large number of beneficiaries.

## GIRIDIH

### *Mega Legal Empowerment Camp, Giridih (20th October 2023)*

Under the aegis of the National Legal Services Authority, New Delhi and on the instructions of the Jharkhand Legal Services Authority, Ranchi, a District Level Mega Legal Empowerment Camp was organized on 20th October 2023 in all the blocks of Giridih district. The main objective of this program was to provide the common people their legitimate legal rights by giving quick on-the-spot( free of cost) benefits of public welfare schemes run by the Central Government and State Government in coordination with the District Administration, Giridih. A total of 41265 beneficiaries were provided benefits under public welfare schemes run by various departments and Rs. 25,98,29,000/- only was distributed amongst the beneficiaries.

## JAMSHEDPUR

### *Description of an Event organized during the period between July to December 2023.*

Under the aegis of Jharkhand State Legal Services Authority, Ranchi, District Level Consultation on "Effective Implementation of Protection of Children from Sexual Offences (POCSO) Act, 2012 was successfully organised for the Stakeholders on 26.08.2023 at the District Legal Services Authority, Jamshedpur. Judicial officers, the Public Prosecutors, Officer-in-Charge of each police station under the jurisdiction of East Singhbhum, Medical Officers, Legal Aid Defence Counsels and the lawyers participated as stakeholders in the said programme.

## PAKUR.

### *Any event organised during the period (July to December, 2023) along with brief description in 250 words and images of the said event.*

On 29th November, 2023 at E-Sewa Kendra, Pakur, online inauguration of Virtual Platform was inaugurated by Hon'ble Mr. Justice Sanjaya Kumar Mishra, The Then Chief Justice, High Court of Jharkhand, in the presence of Hon'ble Mr. Justice Sanjay Prasad, The Administrative Judge, Pakur and The Companion Hon'ble Judges of the High Court of Jharkhand.



## SIMDEGA

A One day Mega awareness programme was organized on 25.11.2023 at Chief Minister Girl's School of Excellence, Samtoli, Simdega on the subject of "Protection of Children from Sexual Offence Act, 2012. This programme was organized by the District Legal Services Authority, Simdega in coordination with the Department of School Education and Literacy Development, Government of Jharkhand and



District Administration Simdega in the benign presence of Hon'ble Mrs. Justice Anubha Rawat Choudhary, Judge, High Court of Jharkhand, Ranchi-cum- Administrative Judge, Simdega Judgship.



Sri K. Ravi Kumar (I.A.S), Secretary, Department of School Education and Literacy Development, Government of Jharkhand, Ranchi was also present as Special Guest.

Hon'ble Mrs. Justice Anubha Rawat Choudhary and Sri K. Ravi Kumar (I.A.S), Secretary, share their thoughts regarding how to protect themselves from being victim of the aforesaid offence and rights of

Victim under "Protection of Children from Sexual Offence Act" 2012.

*Statistics Of The  
State Of Jharkhand*

# Jharkhand

Netarhat valley and Tilaiya Dam



## District Courts Statistics

*Institution, Disposal and Pendency of Cases in District Courts from 01.07.2023 to 31.12.2023*

Category	Pendency as on 01.07.2023	Institution (01.07.2023 to 31.12.2023)	Disposal (01.07.2023 to 31.12.2023)	Pendency as on 31.12.2023
Civil	85359	15993	13604	87746
Criminal	421577	145944	131058	436495
<b>Total</b>	<b>506936</b>	<b>161937</b>	<b>144662</b>	<b>524241</b>

*Analysis of more than 10 year old Cases as on 31.12.2023*

Category	Number of cases older than 10 years
Civil	6586
Criminal	19987
<b>Total</b>	<b>26573</b>

*Details of Judicial Officers in District Courts*

Sanctioned Strength	Working Strength	Vacancy
703	501	202

*Sanctioned strength, present working strength and vacancy position of Judicial Officers and Ministerial Staffs (Cadre-wise)*

### Judicial Officers (Cadre-wise)

Cadre of Judicial Officers	Sanctioned strength	Present working strength	Vacancy position
Principal District Judge	67	62	5
District Judge	171	143	28
Civil Judge (Senior Division)	156	154	2
Civil Judge (Junior Division)	309	142	167

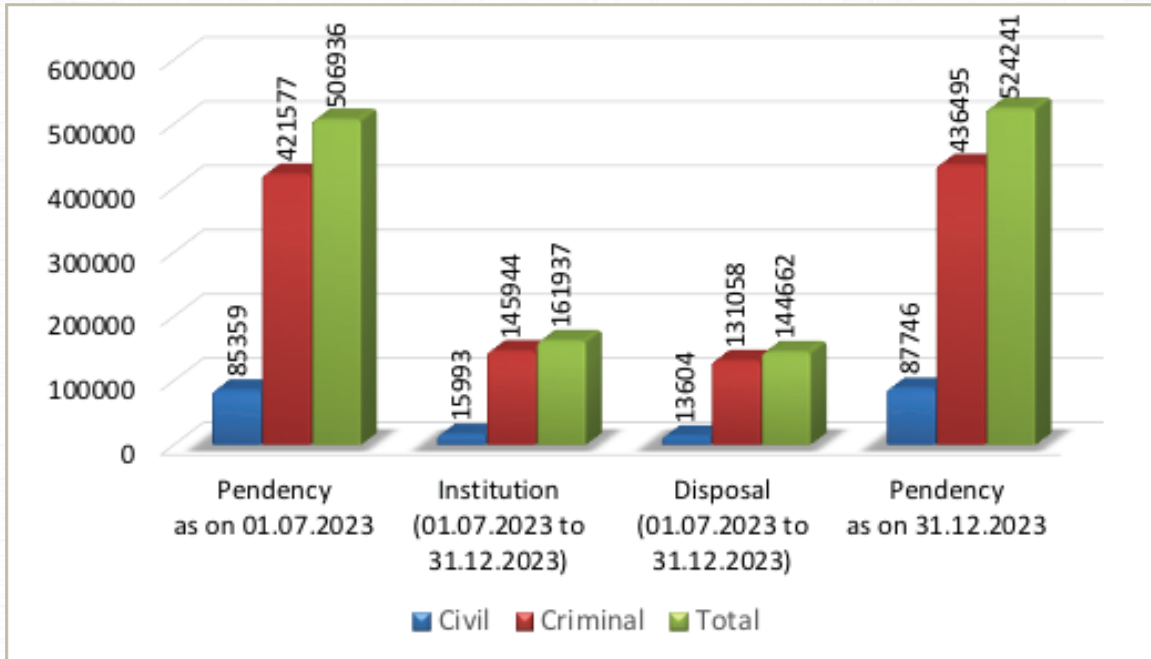
*Court Manager- Sanctioned Strength- 24 Working Strength- 19*

### Ministerial & Class-IV Staffs (Cadre-wise)

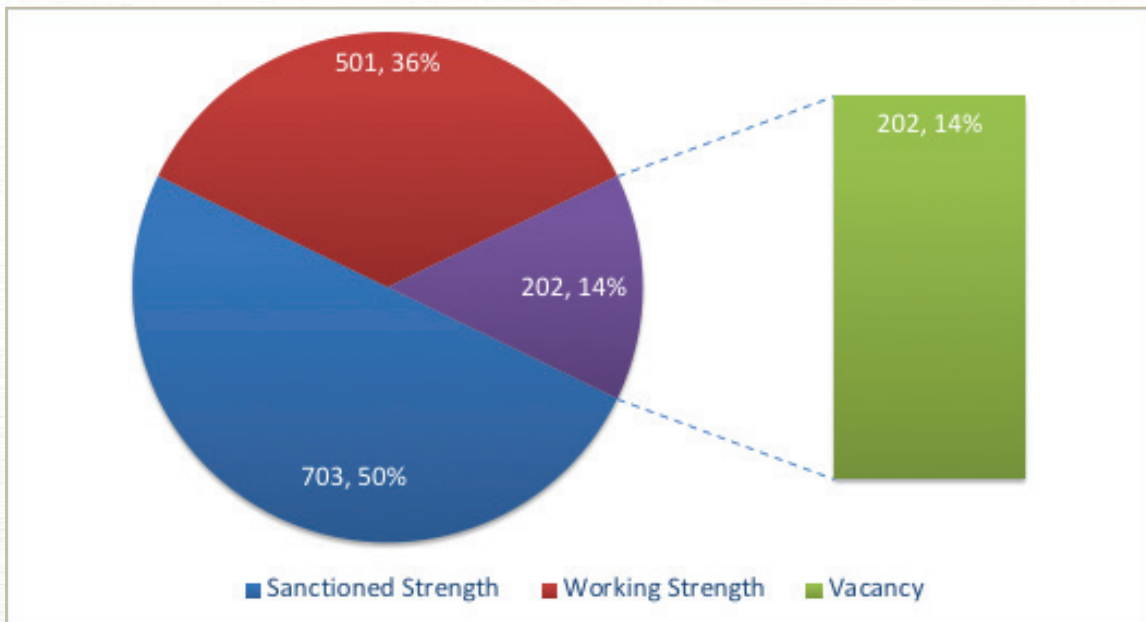
Cadre of Ministerial Staffs	Sanctioned strength	Present working strength	Vacancy position
Assistant	2198	1609	589
Stenographer	563	308	255
Typist	80	58	22
Deposition Typist	350	260	90
Driver	230	196	34
Peon	2159	1747	412

## DISTRICT COURTS' STATISTICS

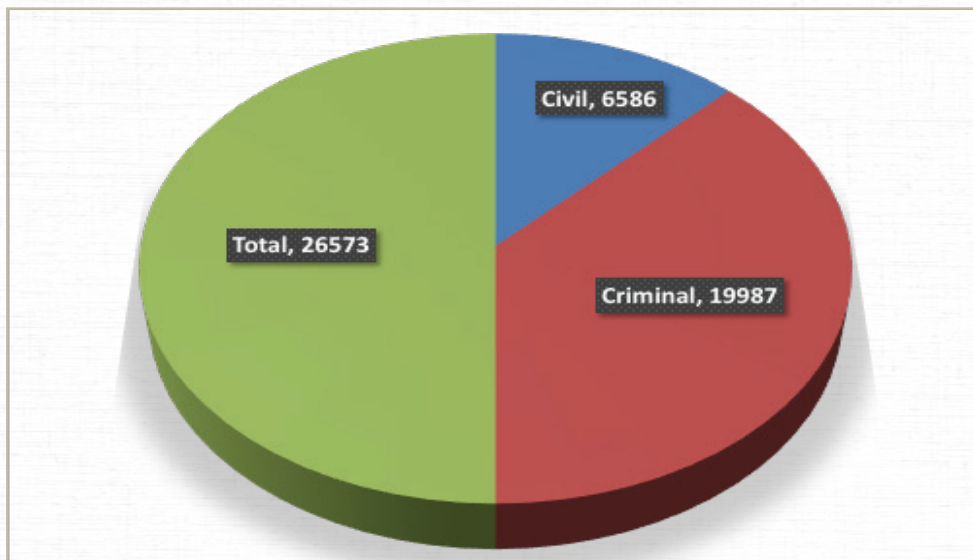
*Institution, Disposal and Pendency of Cases in District Courts 01.07.2023 to 31.12.2023*



*Details of Judicial Officers in District Courts as on 31.12.2023*



*Analysis of more than 10 years old Pending Cases as on 31.12.2023*



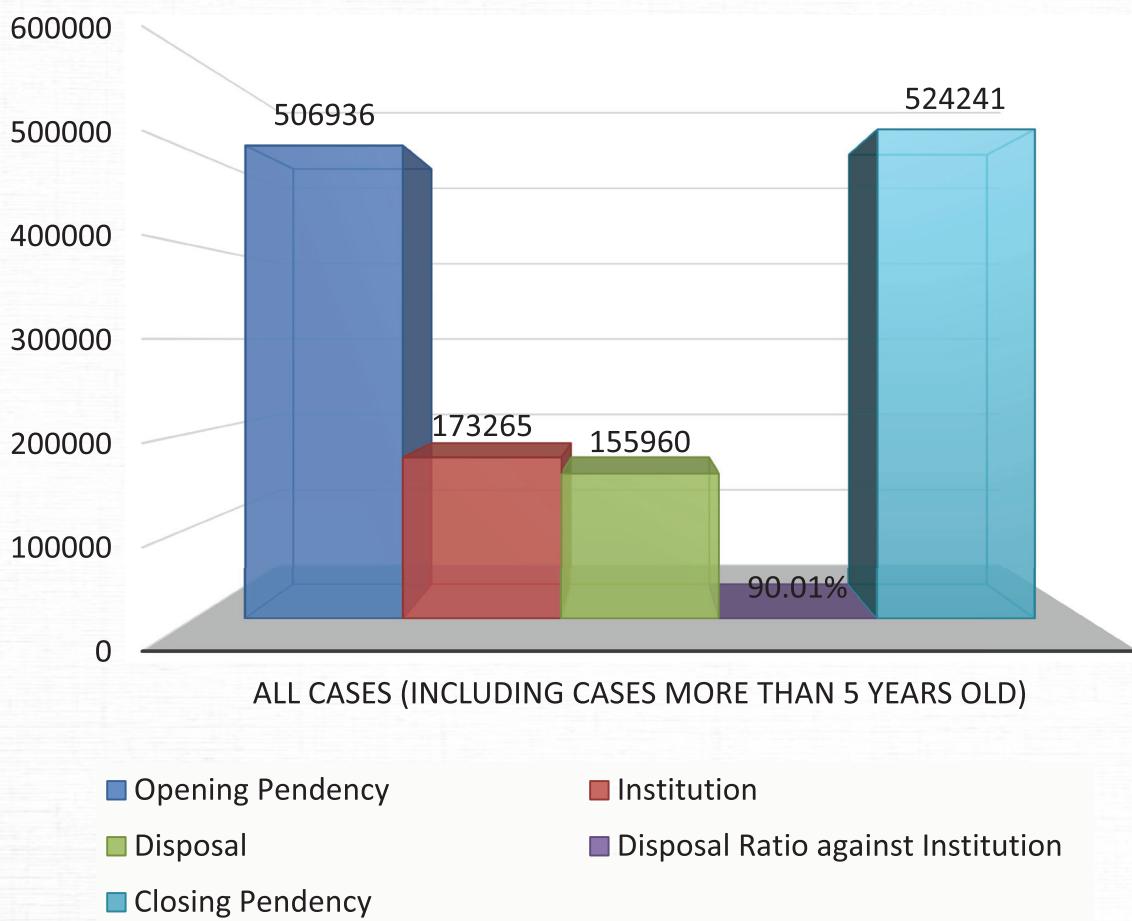
*Period: from 1st July 2023 to 31st December 2023*

Category	Pendency as on 01.07.2023	Institution during 01.07.2023 to 31.12.2023	Disposal during 01.07.2023 to 31.12.2023	Pendency as on 31.12.2023
All Cases (including cases more than 5 years old)	506936	173265	155960	524241
Cases more than 5 years old	129498	NA	14447	128241
N. I. Act Cases	38447	8154	4120	42481
POCSO Cases	4225	1163	970	4418
Cases related to Juvenile Justice Board	3646	739	1128	3257
Cases related to Sexual Offences	6734	1352	1143	6943
Cases related to Crime Against Women (FTC)	7932	1097	840	8189
Cases related to Family Courts	14905	6848	6447	15306
Special Courts Dealing Criminal Cases involving MPs/MLAs Act	155	21	25	151
Cases related to SC/ST Courts Designated	2130	377	385	2122

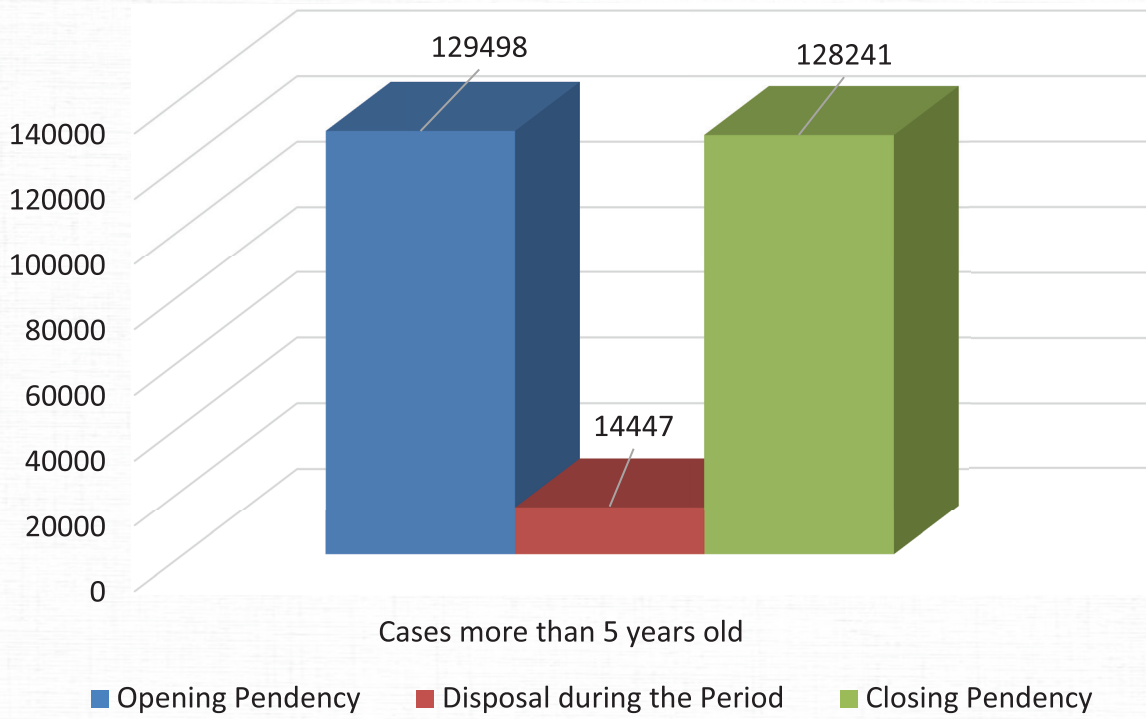
# PERFORMANCE OF DISTRICT JUDICIARY DURING the period 1<sup>st</sup> July 2023 to 31<sup>st</sup> December 2023

Category wise graphical Presentation of the Overall Performance of the Sub-ordinate Judiciary of the State of Jharkhand during the period.

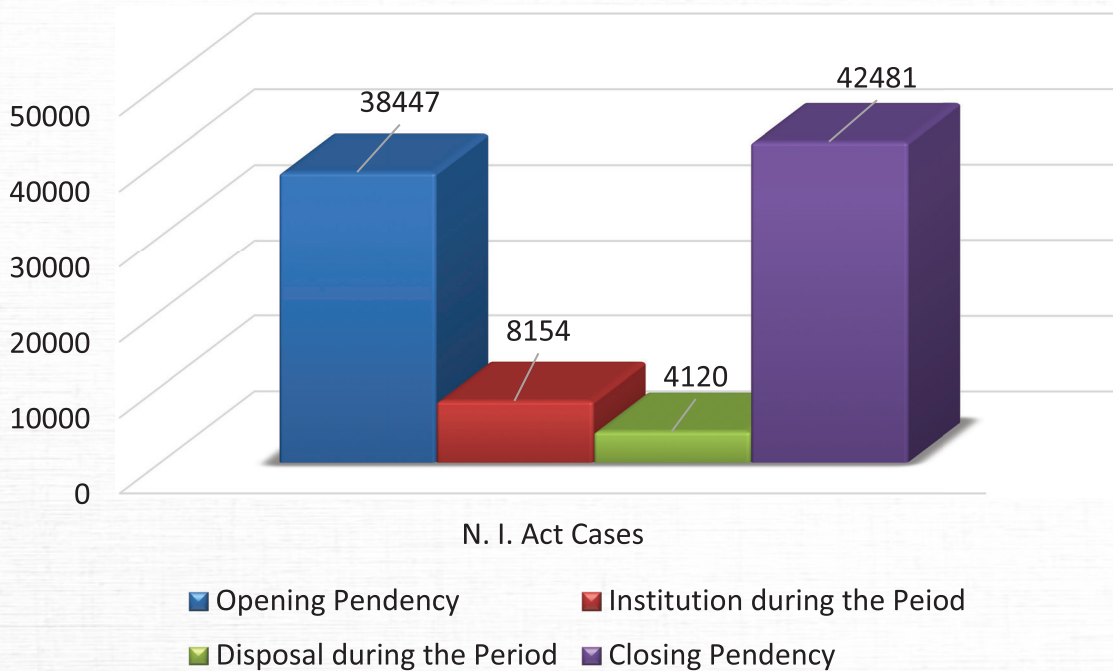
## 1. All Cases including cases more than 5 years old-



## 2. More than 5 Year cases

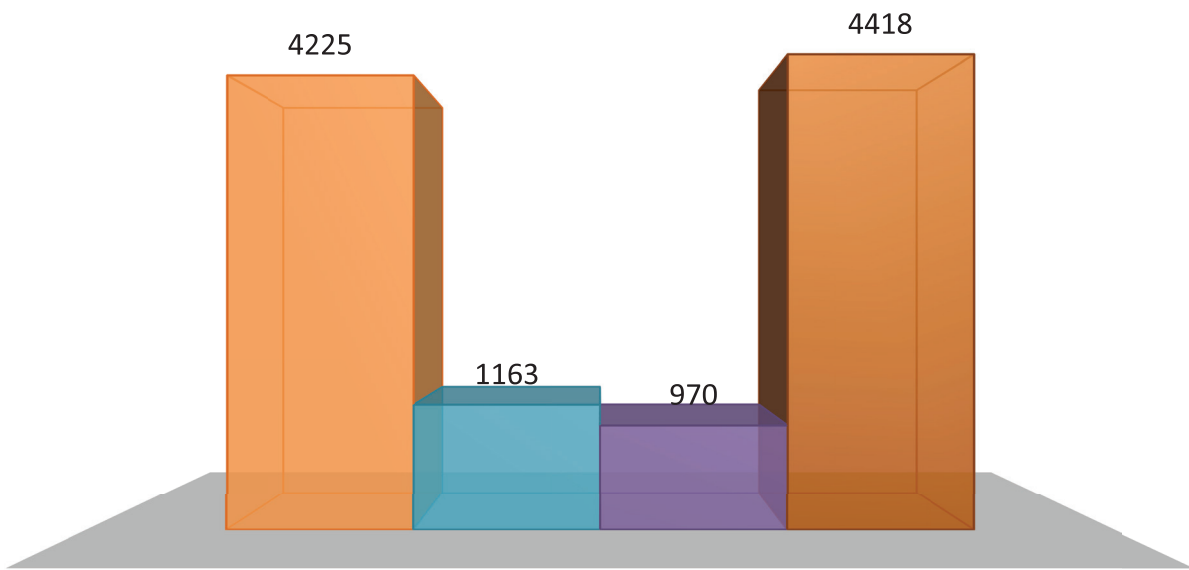


## 3. N I Act Cases



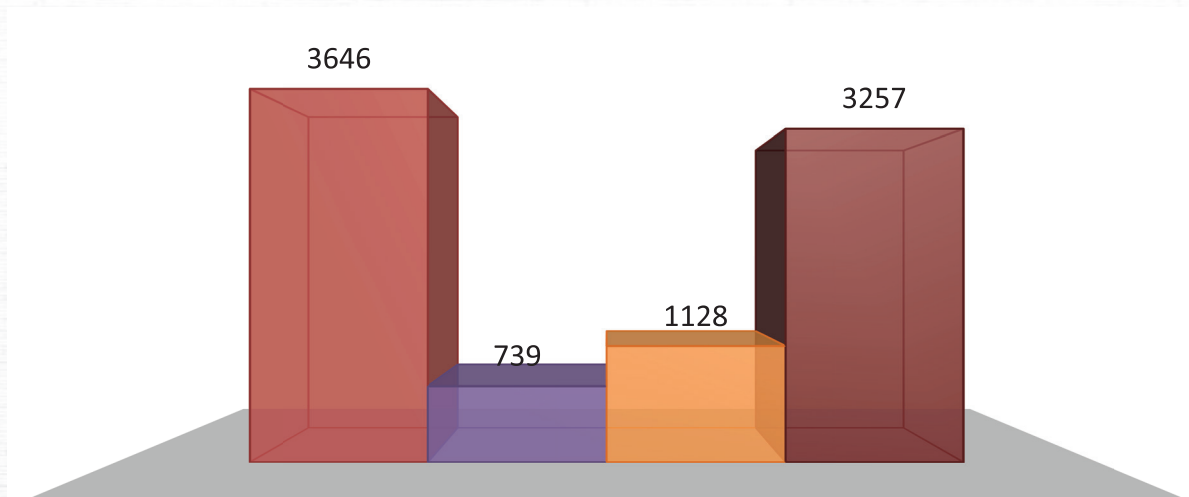
#### 4. POCSO

■ Opening Pendency      ■ Institution During the Period  
■ Disposal During During the Period   ■ Closing Pendency



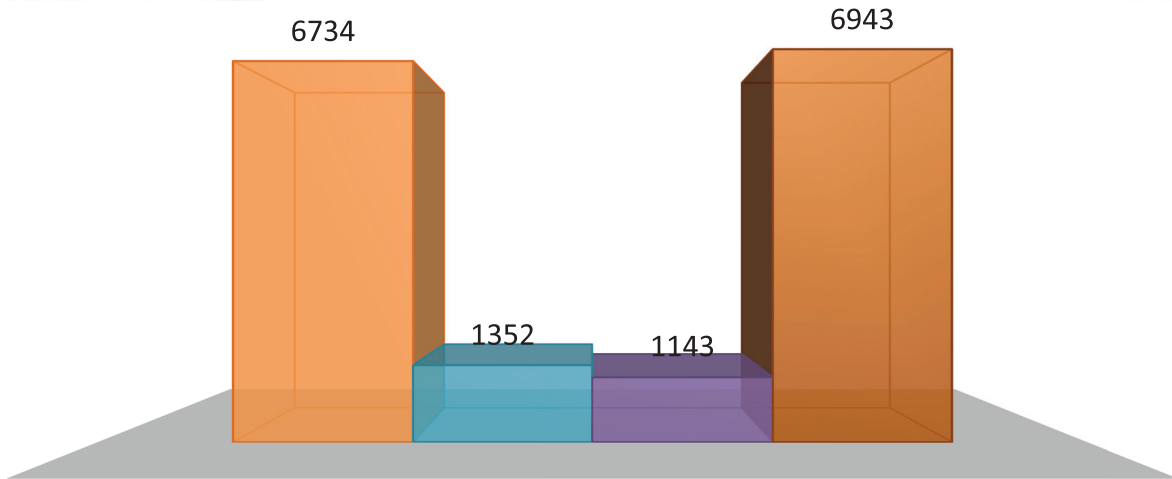
#### 5. Cases related to Juvenile Justice Board

■ Opening Pendency      ■ Institution during the Peiod  
■ Disposal during the Period   ■ Closing Pendency



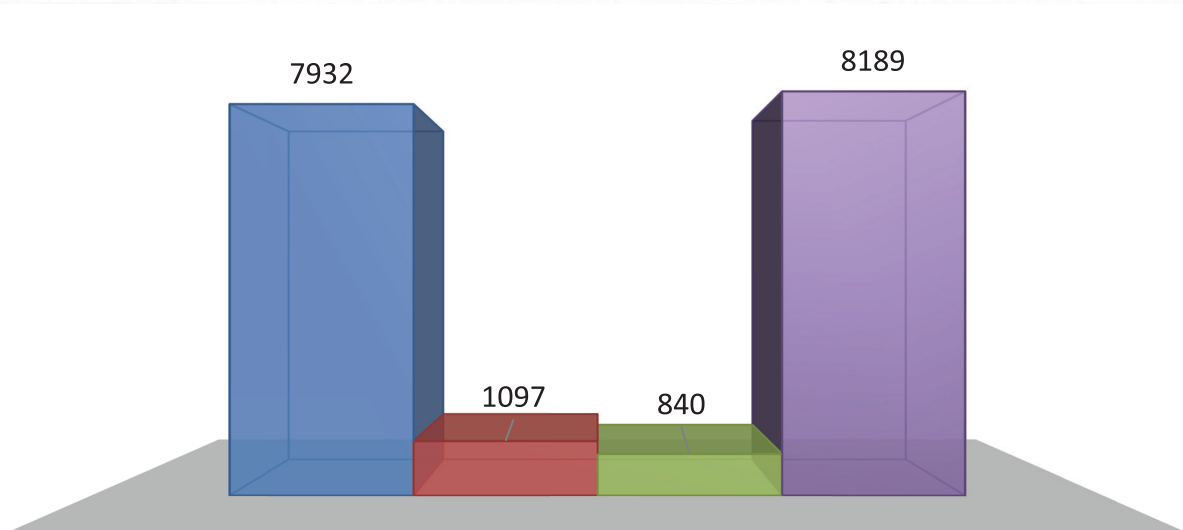
## 6. Cases related to Sexual Offences

Opening Pendency      Institution During the Period  
Disposal During During the Period      Closing Pendency



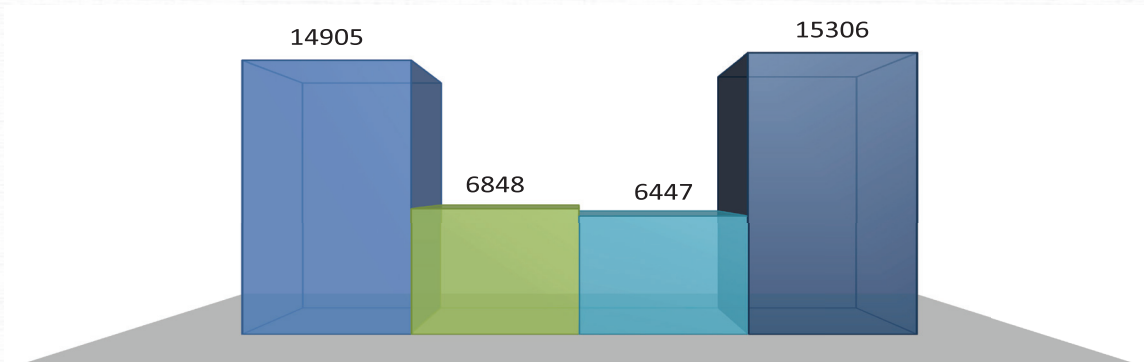
## 7. Cases related to Crime Against Women (FTC)

Opening Pendency      Institution During the Period  
Disposal During During the Period      Closing Pendency



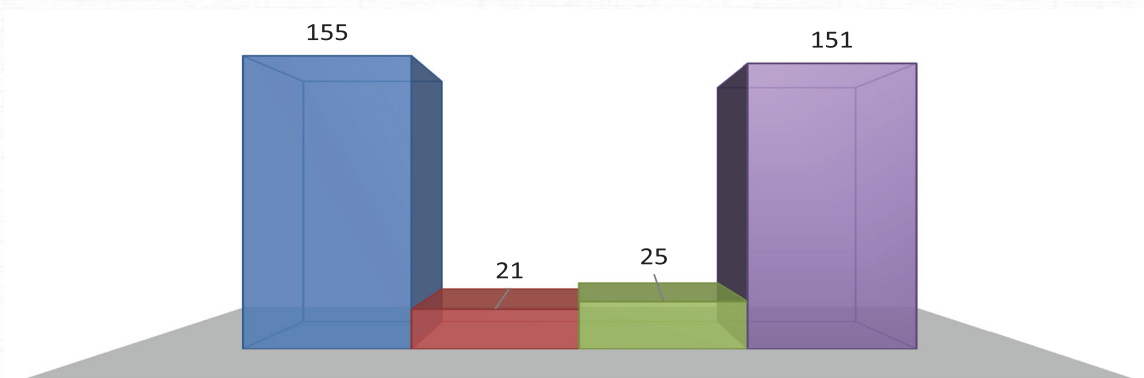
## 8. Cases related to Family Courts

■ Opening Pendency      ■ Institution During the Period  
■ Disposal During During the Period   ■ Closing Pendency



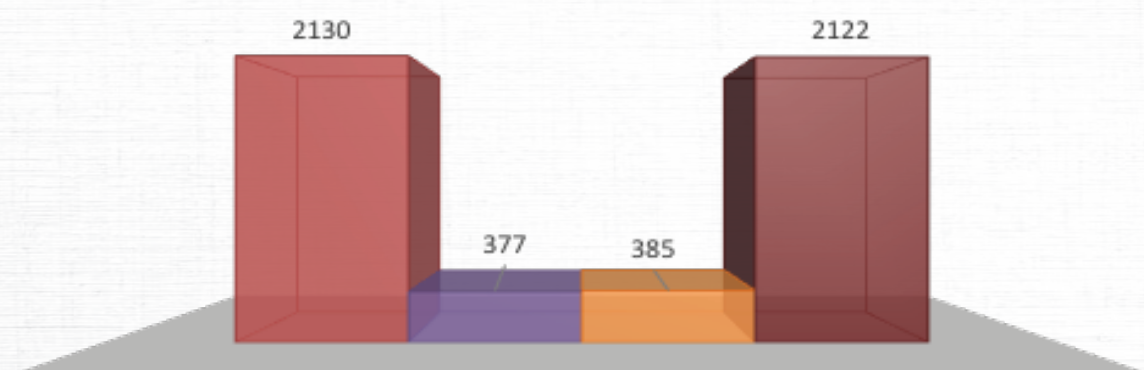
## 9. Cases related to Special Courts Dealing Criminal Cases involving MPs/MLAs Act

■ Opening Pendency      ■ Institution during the Peiod  
■ Disposal during the Period   ■ Closing Pendency



## 10. Cases related to SC/ST Courts Designated

■ Opening Pendency      ■ Institution During the Period  
■ Disposal During During the Period   ■ Closing Pendency



*Judgeships At  
A Glance*

# Jharkhand

MAP



# NAME OF JUDGESHIP- BOKARO

Sanctioned strength, present working strength and vacancy position of Judicial Officers and Ministerial Staffs (Cadre-wise)

## PERIOD- JULY TO DECEMBER 2023

### Judicial Officers (Cadre-wise)

Cadre of Judicial Officers	Present Working strength
Principal District Judge	02
District Judge	06
Civil Judge (Senior Division)	08
Civil Judge (Junior Division)	07

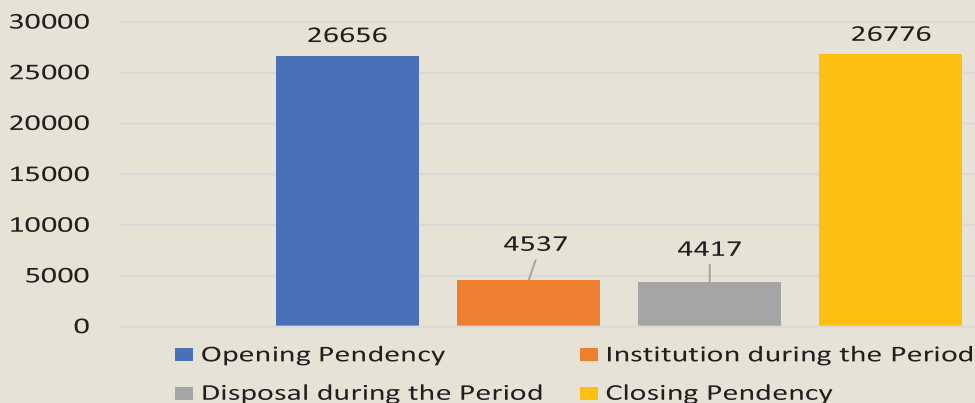
Court Manager -00

### MINISTERIAL & CLASS-IV STAFFS (CADRE-WISE)

Cadre of Ministerial Staffs	Sanctioned strength	Present working strength	Vacancy position
Assistant	146	125	21
Stenographer	32	22	10
Deposition Typist	19	18	01
Driver	09	09	00
Peon	196	170	06

### JUDGESHIP WISE REPORT ON STATISTICS

20 Old Case Disposal	Opening Balance at the beginning of the PERIOD			Institution during the Period			Disposal during the Period			Closing Balance at the end of the PERIOD			
	Civil	Criminal	Total	Civil	Criminal	Total	Civil	Criminal	Total	Civil	Criminal	Total	
	356	4683	21973	26656	886	3651	4537	845	3572	4417	4724	22052	26776



# NAME OF JUDGESHIP- CHAIBASA

Sanctioned strength, present working strength and vacancy position of Judicial Officers and Ministerial Staffs (Cadre-wise)

## PERIOD- JULY TO DECEMBER 2023

### Judicial Officers (Cadre-wise)

Cadre of Judicial Officers	Present Working strength
Principal District Judge	02
District Judge	03
Civil Judge (Senior Division)	02
Civil Judge (Junior Division)	03

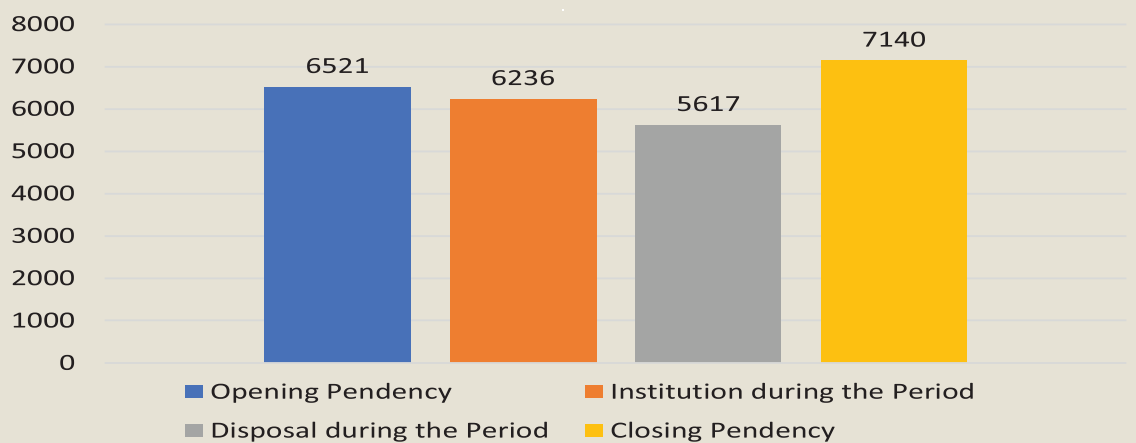
### Court Manager -01

## MINISTERIAL & CLASS-IV STAFFS (CADRE-WISE)

Cadre of Ministerial Staffs	Sanctioned strength	Present working strength	Vacancy position
Assistant	80	57	23
Stenographer	25	13	12
Typist	08	08	00
Deposition Typist	11	07	04
Driver	08	08	00
Peon	91	90	01

## JUDGESHIP WISE REPORT ON STATISTICS

20 Old Case Disposal	Opening Balance at the beginning of the PERIOD			Institution during the Period			Disposal during the Period			Closing Balance at the end of the PERIOD		
	Civil	Criminal	Total	Civil	Criminal	Total	Civil	Criminal	Total	Civil	Criminal	Total
122	541	5980	6521	231	6005	6236	231	5386	5617	541	6599	7140



# NAME OF JUDGESHIP- **CHATRA**

Sanctioned strength, present working strength and vacancy position of Judicial Officers and Ministerial Staffs (Cadre-wise)

## PERIOD- JULY TO DECEMBER 2023

### Judicial Officers (Cadre-wise)

Cadre of Judicial Officers	Present Working strength
Principal District Judge	2
District Judge	5
Civil Judge (Senior Division)	6
Civil Judge (Junior Division)	3

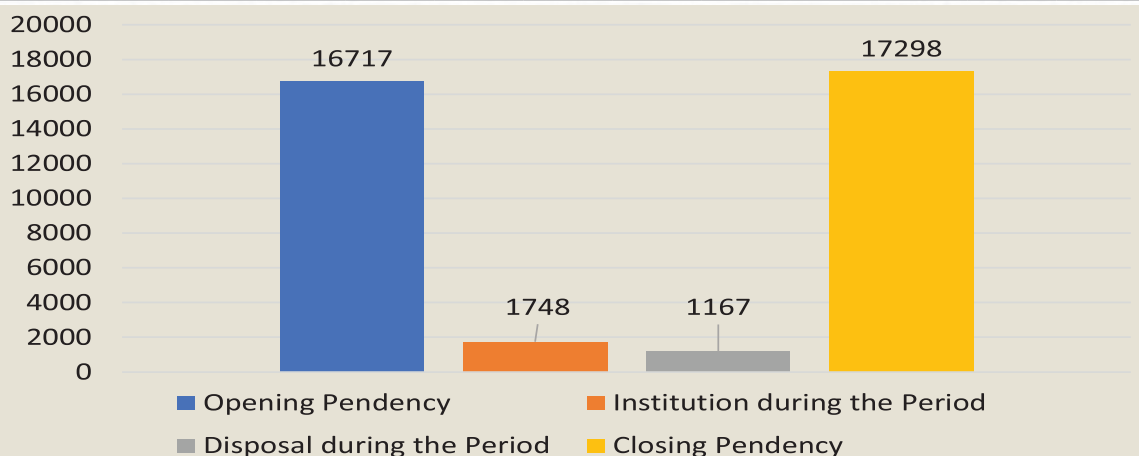
### Court Manager -01

## MINISTERIAL & CLASS-IV STAFFS (CADRE-WISE)

Cadre of Ministerial Staffs	Sanctioned strength	Present working strength	Vacancy position
Assistant	60	53	7
Stenographer	14	9	5
Typist	2	2	0
Deposition Typist	10	10	0
Driver	5	5	0
Peon	51	50	1

## JUDGESHIP WISE REPORT ON STATISTICS

20 Old Case Disposal	Opening Balance at the beginning of the PERIOD			Institution during the Period			Disposal during the Period			Closing Balance at the end of the PERIOD		
	Civil	Criminal	Total	Civil	Criminal	Total	Civil	Criminal	Total	Civil	Criminal	Total
39	2197	14520	16717	325	1423	1748	184	983	1167	2338	14960	17298



# NAME OF JUDGESHIP- DALTONGANJ

Sanctioned strength, present working strength and vacancy position of Judicial Officers and Ministerial Staffs (Cadre-wise)

**PERIOD- JULY TO DECEMBER 2023**

## Judicial Officers (Cadre-wise)

Cadre of Judicial Officers	Present Working strength
Principal District Judge	02
District Judge	08
Civil Judge (Senior Division)	08
Civil Judge (Junior Division)	08

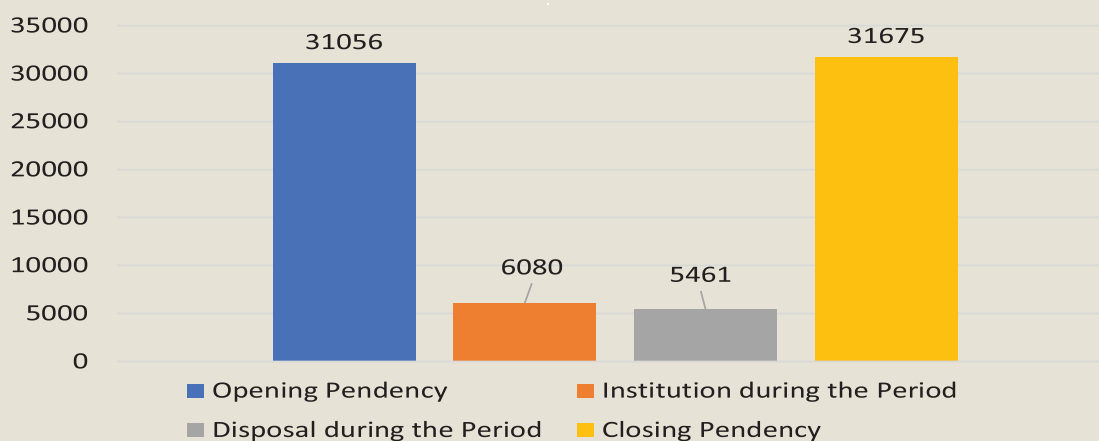
## Court Manager- 00

## MINISTERIAL & CLASS-IV STAFFS (CADRE-WISE)

Cadre of Ministerial Staffs	Sanctioned strength	Present working strength	Vacancy position
Assistant	136	56	80
Stenographer	35	10	25
Typist	02	03	-1
Deposition Typist	31	15	16
Driver	11	7	4
Peon	131	79	52

## JUDGESHIP WISE REPORT ON STATISTICS

20 Old Case Disposal	Opening Balance at the beginning of the PERIOD			Institution during the Period			Disposal during the Period			Closing Balance at the end of the PERIOD		
	Civil	Criminal	Total	Civil	Criminal	Total	Civil	Criminal	Total	Civil	Criminal	Total
52	4803	26253	31056	679	5401	6080	607	4854	5461	4875	26800	31675



# NAME OF JUDGESHIP- DEOGHAR

Sanctioned strength, present working strength and vacancy position of Judicial Officers and Ministerial Staffs (Cadre-wise)

## PERIOD- JULY TO DECEMBER 2023

### Judicial Officers (Cadre-wise)

Cadre of Judicial Officers	Present Working strength
Principal District Judge	3
District Judge	6
Civil Judge (Senior Division)	12
Civil Judge (Junior Division)	7

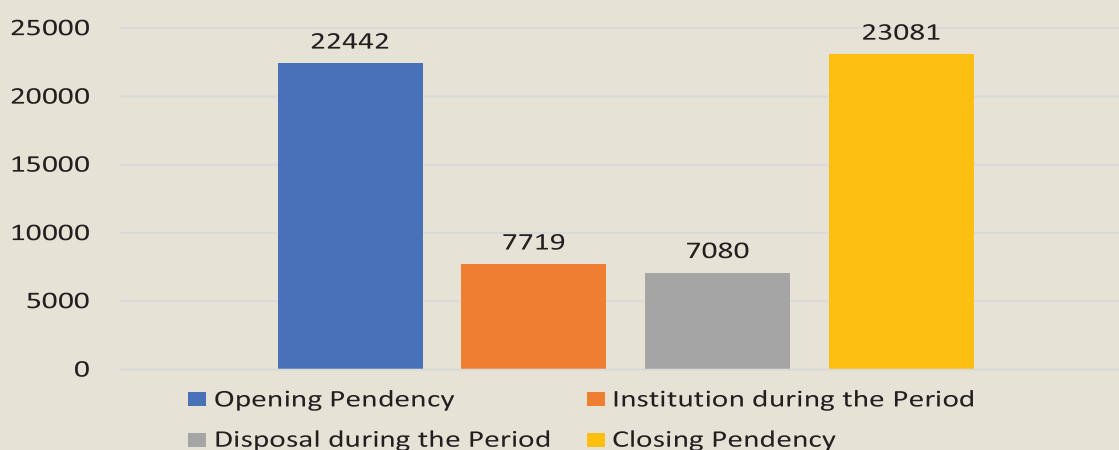
### Court Manager -01

### MINISTERIAL & CLASS-IV STAFFS (CADRE-WISE)

Cadre of Ministerial Staffs	Sanctioned strength	Present working strength	Vacancy position
Assistant	107+4*	96+1*	11+3*
Stenographer	31	16	15
Typist	5	5	0
Deposition Typist	17	15	02
Driver	10+1*	9+1*	1
Peon	95+2*	91+2*	4

### JUDGESHIP WISE REPORT ON STATISTICS

20 Old Case Disposal	Opening Balance at the beginning of the PERIOD			Institution during the Period			Disposal during the Period			Closing Balance at the end of the PERIOD		
	Civil	Criminal	Total	Civil	Criminal	Total	Civil	Criminal	Total	Civil	Criminal	Total
190	3663	18779	22442	707	7012	7719	622	6458	7080	3748	19333	23081



# NAME OF JUDGESHIP- DHANBAD

Sanctioned strength, present working strength and vacancy position of Judicial Officers and Ministerial Staffs (Cadre-wise)

**PERIOD- JULY TO DECEMBER 2023**

## Judicial Officers (Cadre-wise)

Cadre of Judicial Officers	Present Working strength
Principal District Judge	2
District Judge	11
Civil Judge (Senior Division)	10
Civil Judge (Junior Division)	19

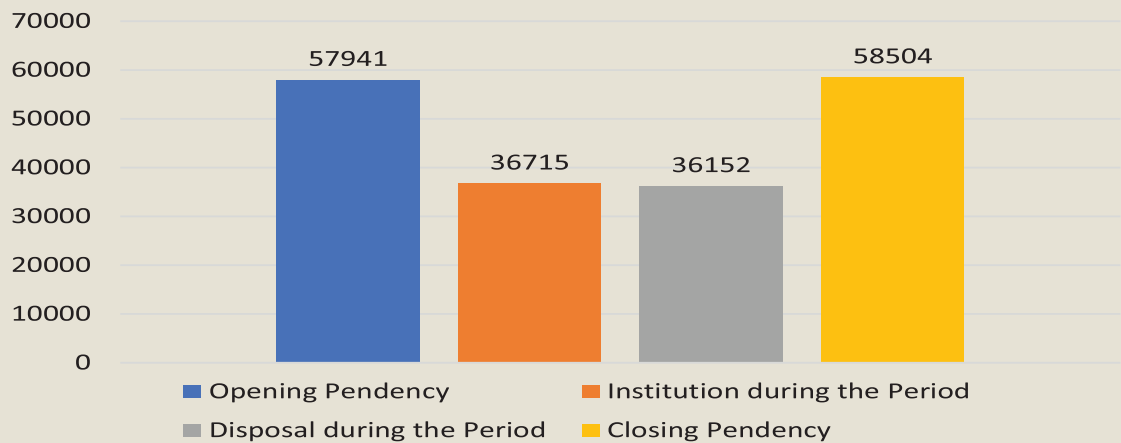
## Court Manager- 01

## MINISTERIAL & CLASS-IV STAFFS (CADRE-WISE)

Cadre of Ministerial Staffs	Sanctioned strength	Present working strength	Vacancy position
Assistant	176	161	15
Stenographer	47	29	18
Typist	11	5	6
Deposition Typist	39	31	8
Driver	11	11	0
Peon	177	177	0

## JUDGESHIP WISE REPORT ON STATISTICS

20 Old Case Disposal	Opening Balance at the beginning of the PERIOD			Institution during the Period			Disposal during the Period			Closing Balance at the end of the PERIOD		
	Civil	Criminal	Total	Civil	Criminal	Total	Civil	Criminal	Total	Civil	Criminal	Total
263	13228	44713	57941	2546	34169	36715	2022	34130	36152	13752	44752	58504



# NAME OF JUDGESHIP- DUMKA

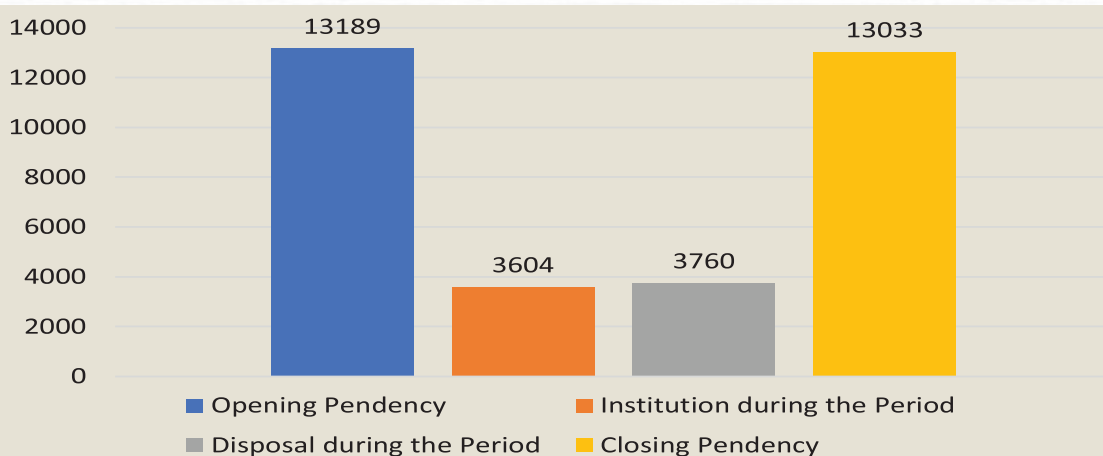
Sanctioned strength, present working strength and vacancy position of Judicial Officers and Ministerial Staffs (Cadre-wise)

## PERIOD- JULY TO DECEMBER 2023

Judicial Officers (Cadre-wise)			
Cadre of Judicial Officers	Present Working strength		
Principal District Judge	2		
District Judge	3		
Civil Judge (Senior Division)	4		
Civil Judge (Junior Division)	5		
<b>Court Manager -01</b>			
MINISTERIAL & CLASS-IV STAFFS (CADRE-WISE)			
Cadre of Ministerial Staffs	Sanctioned strength	Present working strength	Vacancy position
Assistant	73	53	20
Stenographer	Steno -18 (English-15, Hindi -03)	Steno -10 (English-09, Hindi -01)	Steno -08 (English -06, Hindi -02)
Typist	07	5	2
Deposition Typist	8	6	2
Driver	7	7	0
Peon	99	92	7 (Peon-05, Process Server-02)

## JUDGESHIP WISE REPORT ON STATISTICS

20 Old Case Disposal	Opening Balance at the beginning of the PERIOD			Institution during the Period			Disposal during the Period			Closing Balance at the end of the PERIOD		
	Civil	Criminal	Total	Civil	Criminal	Total	Civil	Criminal	Total	Civil	Criminal	Total
117	2532	10657	13189	516	3088	3604	457	3303	3760	2591	10442	13033



# NAME OF JUDGESHIP- GARHWA

Sanctioned strength, present working strength and vacancy position of Judicial Officers and Ministerial Staffs (Cadre-wise)

**PERIOD- JULY TO DECEMBER 2023**

## Judicial Officers (Cadre-wise)

Cadre of Judicial Officers	Present Working strength
Principal District Judge	02
District Judge	05
Civil Judge (Senior Division)	07
Civil Judge (Junior Division)	07

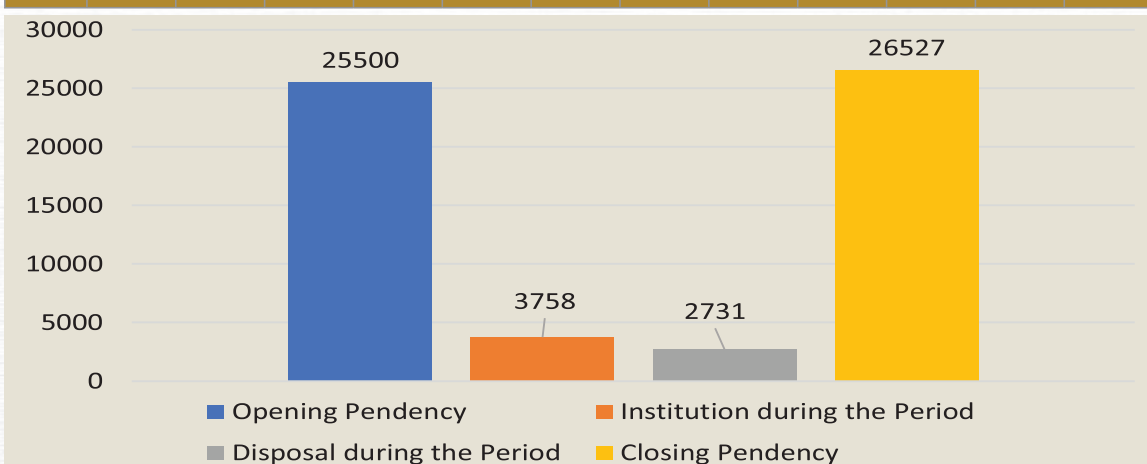
Court Manager- 01

## MINISTERIAL & CLASS-IV STAFFS (CADRE-WISE)

Cadre of Ministerial Staffs	Sanctioned strength	Present working strength	Vacancy position
Assistant	89	37	52
Stenographer	30	10	20
Typist	02	02	NIL
Deposition Typist	17	08	09
Driver	08	08	NIL
Peon	85	85	NIL

## JUDGESHIP WISE REPORT ON STATISTICS

20 Old Case Disposal	Opening Balance at the beginning of the PERIOD			Institution during the Period			Disposal during the Period			Closing Balance at the end of the PERIOD		
	Civil	Criminal	Total	Civil	Criminal	Total	Civil	Criminal	Total	Civil	Criminal	Total
140	3208	22292	25500	424	3334	3758	408	2323	2731	3224	23303	26527



# NAME OF JUDGESHIP- GIRIDIH

Sanctioned strength, present working strength and vacancy position of Judicial Officers and Ministerial Staffs (Cadre-wise)

## PERIOD- JULY TO DECEMBER 2023

### Judicial Officers (Cadre-wise)

Cadre of Judicial Officers	Present Working strength
Principal District Judge	2
District Judge	10
Civil Judge (Senior Division)	5
Civil Judge (Junior Division)	14

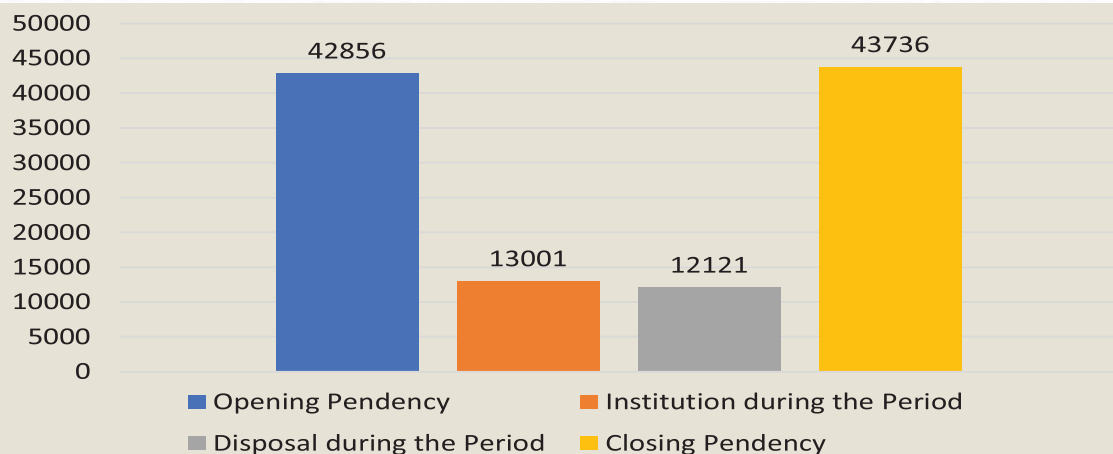
### Court Manager -01

### MINISTERIAL & CLASS-IV STAFFS (CADRE-WISE)

Cadre of Ministerial Staffs	Sanctioned strength	Present working strength	Vacancy position
Assistant	154	105	49
Stenographer	31	15	16
Typist	8	7	1
Deposition Typist	13	12	1
Driver	8	6	2
Peon	110	72	38

### JUDGESHIP WISE REPORT ON STATISTICS

20 Old Case Disposal	Opening Balance at the beginning of the PERIOD			Institution during the Period			Disposal during the Period			Closing Balance at the end of the PERIOD		
	Civil	Criminal	Total	Civil	Criminal	Total	Civil	Criminal	Total	Civil	Criminal	Total
169	7162	35694	42856	910	12091	13001	741	11380	12121	7331	36405	43736



# NAME OF JUDGESHIP- **GODDA**

Sanctioned strength, present working strength and vacancy position of Judicial Officers and Ministerial Staffs (Cadre-wise)

**PERIOD- JULY TO DECEMBER 2023**

## Judicial Officers (Cadre-wise)

Cadre of Judicial Officers	Present Working strength
Principal District Judge	02
District Judge	03
Civil Judge (Senior Division)	05
Civil Judge (Junior Division)	03

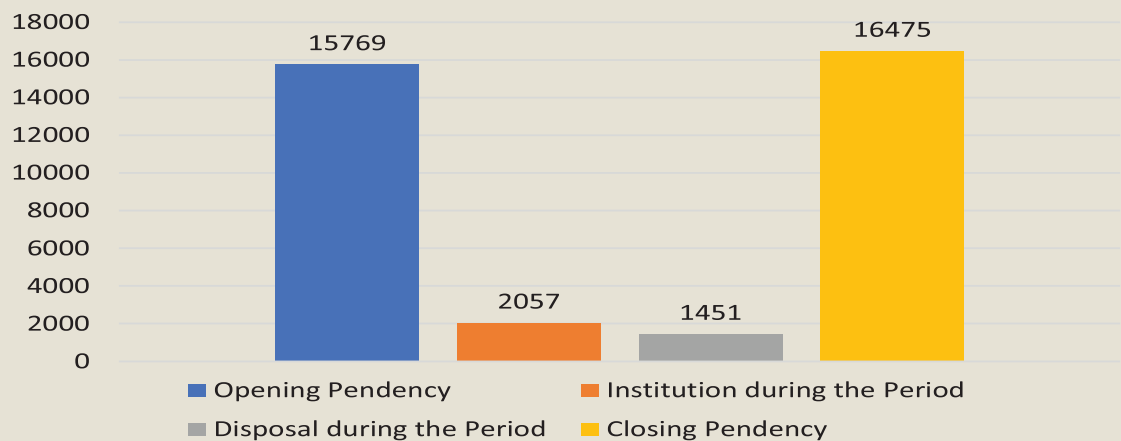
**Court Manager- 01**

## MINISTERIAL & CLASS-IV STAFFS (CADRE-WISE)

Cadre of Ministerial Staffs	Sanctioned strength	Present working strength	Vacancy position
Assistant	56	37	19
Stenographer	14	08	06
Typist	02	01	01
Deposition Typist	08	08	Nil
Driver	06	04	02
Peon	73	57	16

## JUDGESHIP WISE REPORT ON STATISTICS

20 Old Case Disposal	Opening Balance at the beginning of the PERIOD			Institution during the Period			Disposal during the Period			Closing Balance at the end of the PERIOD		
	Civil	Criminal	Total	Civil	Criminal	Total	Civil	Criminal	Total	Civil	Criminal	Total
58	1495	14274	15769	262	1795	2057	222	1229	1451	1535	14840	16375



# NAME OF JUDGESHIP- GUMLA

Sanctioned strength, present working strength and vacancy position of Judicial Officers and Ministerial Staffs (Cadre-wise)

## PERIOD- JULY TO DECEMBER 2023

### Judicial Officers (Cadre-wise)

Cadre of Judicial Officers	Present Working strength
Principal District Judge	2
District Judge	4
Civil Judge (Senior Division)	3
Civil Judge (Junior Division)	2

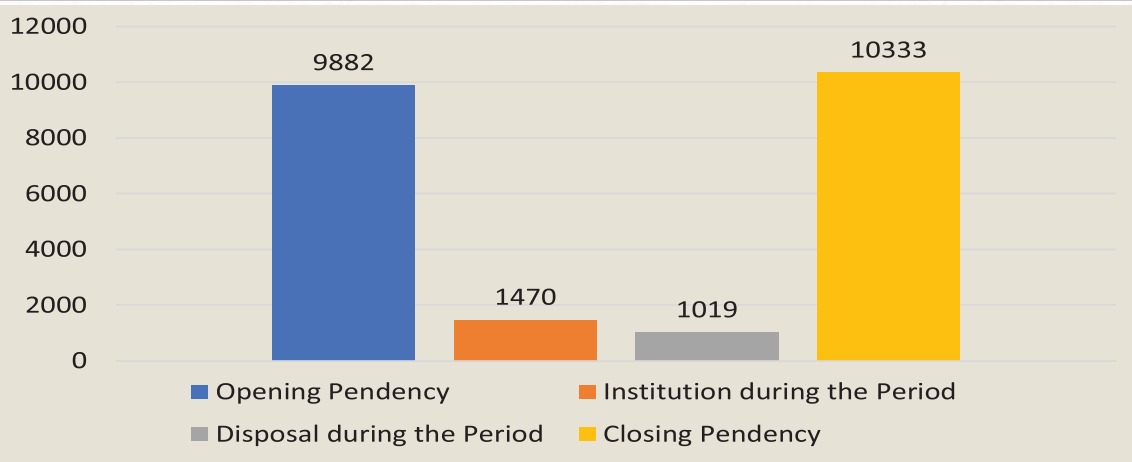
### Court Manager -01

### MINISTERIAL & CLASS-IV STAFFS (CADRE-WISE)

Cadre of Ministerial Staffs	Sanctioned strength	Present working strength	Vacancy position
Assistant	66	49	17
Stenographer	11	7	4
Typist	3	1	2
Deposition Typist	6	5	1
Driver	8	8	0
Peon	63	60	3

### JUDGESHIP WISE REPORT ON STATISTICS

20 Old Case Disposal	Opening Balance at the beginning of the PERIOD			Institution during the Period			Disposal during the Period			Closing Balance at the end of the PERIOD		
	Civil	Criminal	Total	Civil	Criminal	Total	Civil	Criminal	Total	Civil	Criminal	Total
26	1582	8300	9882	270	1200	1470	172	847	1019	1680	8653	10333



# NAME OF JUDGESHIP- HAZARIBAG

Sanctioned strength, present working strength and vacancy position of Judicial Officers and Ministerial Staffs (Cadre-wise)

**PERIOD- JULY TO DECEMBER 2023**

## Judicial Officers (Cadre-wise)

Cadre of Judicial Officers	Present Working strength
Principal District Judge	02
District Judge	09
Civil Judge (Senior Division)	07
Civil Judge (Junior Division)	11

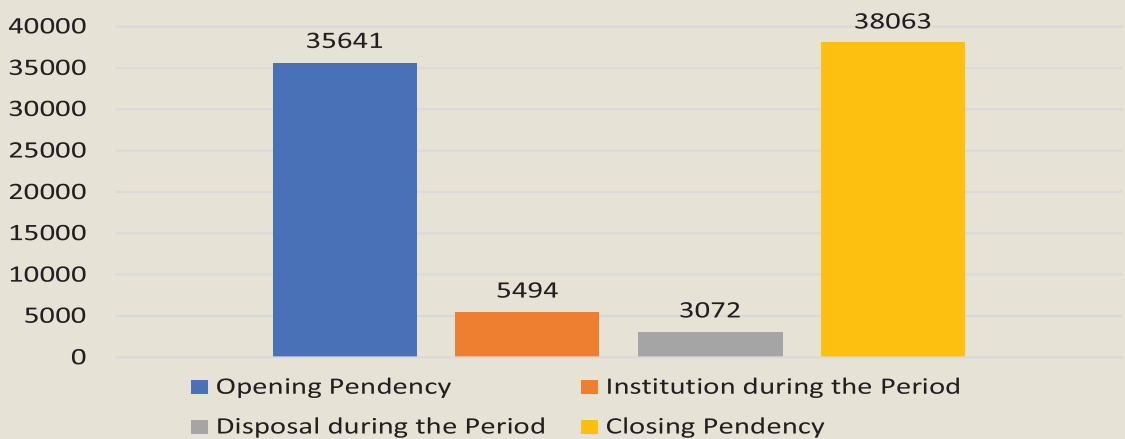
Court Manager- 00

## MINISTERIAL & CLASS-IV STAFFS (CADRE-WISE)

Cadre of Ministerial Staffs	Sanctioned strength	Present working strength	Vacancy position
Assistant	137	87	50
Stenographer	37	20	17
Typist	03	02	01
Deposition Typist	23	19	04
Driver	08	04	04
Peon	169	68	101

## JUDGESHIP WISE REPORT ON STATISTICS

20 Old Case Disposal	Opening Balance at the beginning of the PERIOD			Institution during the Period			Disposal during the Period			Closing Balance at the end of the PERIOD		
	Civil	Criminal	Total	Civil	Criminal	Total	Civil	Criminal	Total	Civil	Criminal	Total
188	6164	29477	35641	822	4672	5494	614	2458	3072	6372	31691	38063



# NAME OF JUDGESHIP- JAMSHEDPUR

Sanctioned strength, present working strength and vacancy position of Judicial Officers and Ministerial Staffs (Cadre-wise)

**PERIOD- JULY TO DECEMBER 2023**

## Judicial Officers (Cadre-wise)

Cadre of Judicial Officers	Present Working strength
Principal District Judge	02
District Judge	09
Civil Judge (Senior Division)	13
Civil Judge (Junior Division)	16

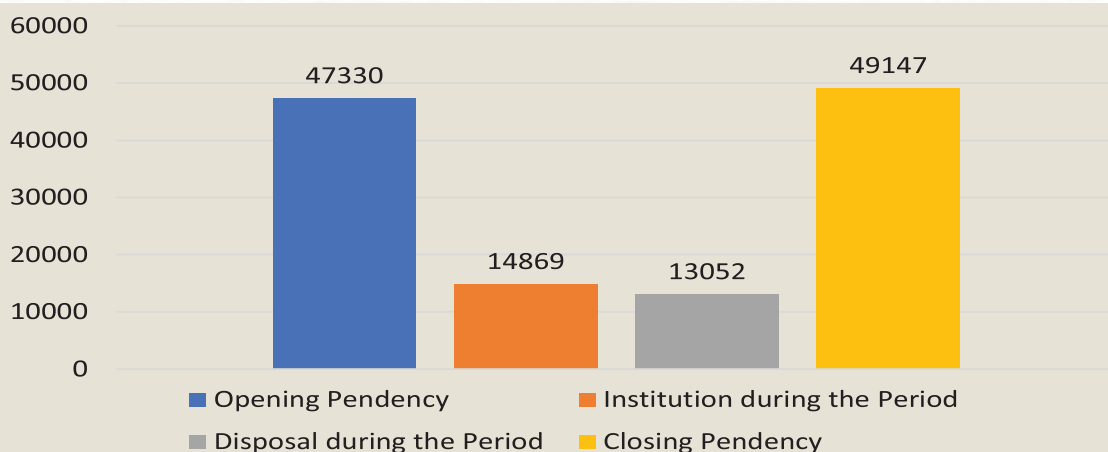
Court Manager -00

## MINISTERIAL & CLASS-IV STAFFS (CADRE-WISE)

Cadre of Ministerial Staffs	Sanctioned strength	Present working strength	Vacancy position
Assistant	129	120	09
Stenographer	44	31	13
Typist	06	03	03
Deposition Typist	27	22	05
Driver	11	06	05
Peon	111	45	66

## JUDGESHIP WISE REPORT ON STATISTICS

20 Old Case Disposal	Opening Balance at the beginning of the PERIOD			Institution during the Period			Disposal during the Period			Closing Balance at the end of the PERIOD		
	Civil	Criminal	Total	Civil	Criminal	Total	Civil	Criminal	Total	Civil	Criminal	Total
163	5981	41349	47330	1245	13624	14869	990	12062	13052	6236	42911	49147



# NAME OF JUDGESHIP- JAMTARA

Sanctioned strength, present working strength and vacancy position of Judicial Officers and Ministerial Staffs (Cadre-wise)

**PERIOD- JULY TO DECEMBER 2023**

## Judicial Officers (Cadre-wise)

Cadre of Judicial Officers	Present Working strength
Principal District Judge	2
District Judge	2
Civil Judge (Senior Division)	4
Civil Judge (Junior Division)	2

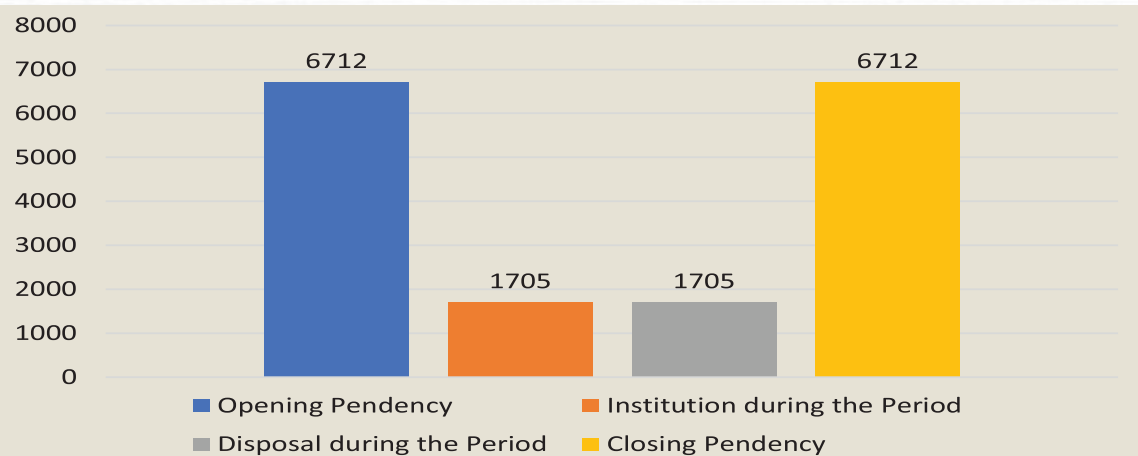
**Court Manager- 01**

## MINISTERIAL & CLASS-IV STAFFS (CADRE-WISE)

Cadre of Ministerial Staffs	Sanctioned strength	Present working strength	Vacancy position
Assistant	52	51	1
Stenographer	15	12	3
Typist	2	2	-
Deposition Typist	6	5	1
Driver	5	4	1
Peon	69	56	13

## JUDGESHIP WISE REPORT ON STATISTICS

20 Old Case Disposal	Opening Balance at the beginning of the PERIOD			Institution during the Period			Disposal during the Period			Closing Balance at the end of the PERIOD		
	Civil	Criminal	Total	Civil	Criminal	Total	Civil	Criminal	Total	Civil	Criminal	Total
115	776	5936	6712	214	1491	1705	178	1527	1705	812	5900	6712



# NAME OF JUDGESHIP- KHUNTI

Sanctioned strength, present working strength and vacancy position of Judicial Officers and Ministerial Staffs (Cadre-wise)

## PERIOD- JULY TO DECEMBER 2023

### Judicial Officers (Cadre-wise)

Cadre of Judicial Officers	Present Working strength
Principal District Judge	1
District Judge	3
Civil Judge (Senior Division)	2
Civil Judge (Junior Division)	2

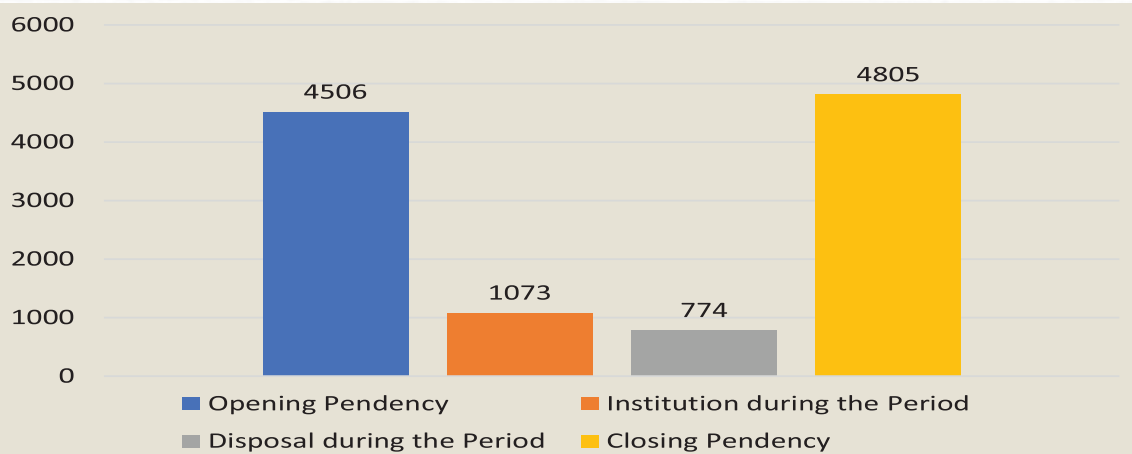
### Court Manager -01

## MINISTERIAL & CLASS-IV STAFFS (CADRE-WISE)

Cadre of Ministerial Staffs	Sanctioned strength	Present working strength	Vacancy position
Assistant	30	24	5
Stenographer	5	3	2
Typist	1	1	0
Deposition Typist	5	4	1
Driver	1	1	0
Peon+Daftari	19+1	17+1	2+0

## JUDGESHIP WISE REPORT ON STATISTICS

20 Old Case Disposal	Opening Balance at the beginning of the PERIOD			Institution during the Period			Disposal during the Period			Closing Balance at the end of the PERIOD		
	Civil	Criminal	Total	Civil	Criminal	Total	Civil	Criminal	Total	Civil	Criminal	Total
51	579	3927	4506	96	977	1073	50	724	774	625	4180	4805



# NAME OF JUDGESHIP- KODERMA

Sanctioned strength, present working strength and vacancy position of Judicial Officers and Ministerial Staffs (Cadre-wise)

**PERIOD- JULY TO DECEMBER 2023**

## Judicial Officers (Cadre-wise)

Cadre of Judicial Officers	Present Working strength
Principal District Judge	02
District Judge	04
Civil Judge (Senior Division)	04
Civil Judge (Junior Division)	05

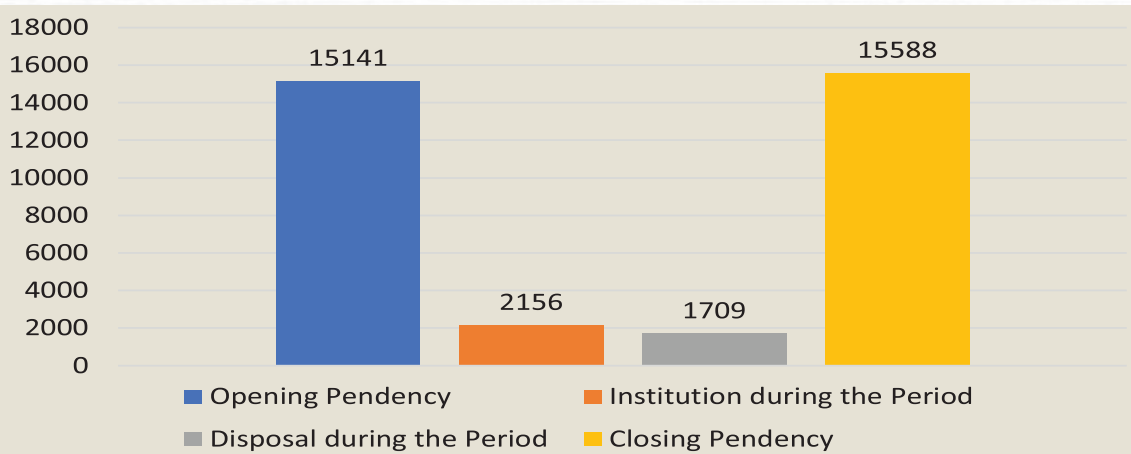
**Court Manager- 01**

## MINISTERIAL & CLASS-IV STAFFS (CADRE-WISE)

Cadre of Ministerial Staffs	Sanctioned strength	Present working strength	Vacancy position
Assistant	67	50	17 (9+8*)
Stenographer	15	09	06
Typist	01	01	00
Deposition Typist	07	06	01
Driver	04	03	01
Peon	42	42	00

## JUDGESHIP WISE REPORT ON STATISTICS

20 Old Case Disposal	Opening Balance at the beginning of the PERIOD			Institution during the Period			Disposal during the Period			Closing Balance at the end of the PERIOD		
	Civil	Criminal	Total	Civil	Criminal	Total	Civil	Criminal	Total	Civil	Criminal	Total
131	2153	12988	15141	395	1761	2156	394	1315	1709	2154	13434	15588



# NAME OF JUDGESHIP- LATEHAR

Sanctioned strength, present working strength and vacancy position of Judicial Officers and Ministerial Staffs (Cadre-wise)

## PERIOD- JULY TO DECEMBER 2023

### Judicial Officers (Cadre-wise)

Cadre of Judicial Officers	Present Working strength
Principal District Judge	2
District Judge	3
Civil Judge (Senior Division)	3
Civil Judge (Junior Division)	2

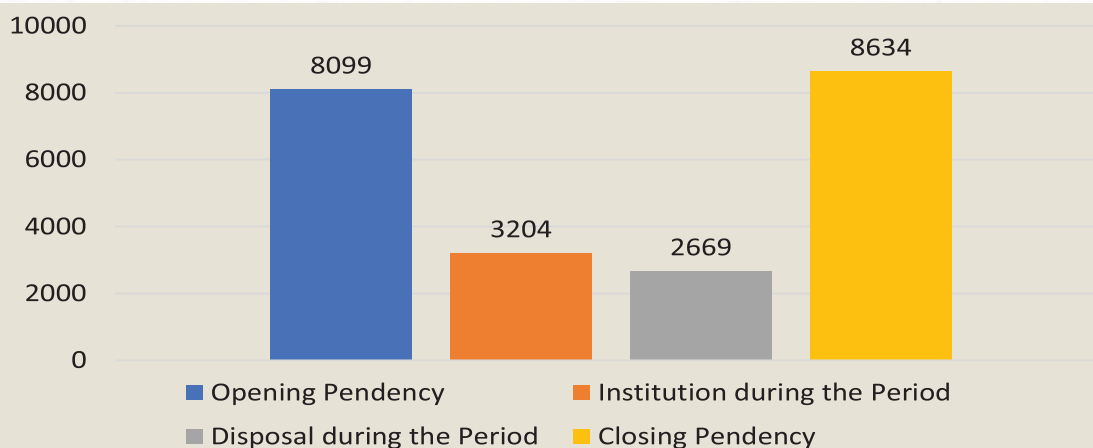
### Court Manager -01

## MINISTERIAL & CLASS-IV STAFFS (CADRE-WISE)

Cadre of Ministerial Staffs	Sanctioned strength	Present working strength	Vacancy position
Assistant	43	37	6
Stenographer	16	8	8
Typist	2	Nil	2
Deposition Typist	4	4	0
Driver	6	6	0
Peon	44	43	1

## JUDGESHIP WISE REPORT ON STATISTICS

20 Old Case Disposal	Opening Balance at the beginning of the PERIOD			Institution during the Period			Disposal during the Period			Closing Balance at the end of the PERIOD		
	Civil	Criminal	Total	Civil	Criminal	Total	Civil	Criminal	Total	Civil	Criminal	Total
92	1671	6428	8099	320	2884	3204	225	2444	2669	1766	6868	8634



# NAME OF JUDGESHIP- LOHARDAGA

Sanctioned strength, present working strength and vacancy position of Judicial Officers and Ministerial Staffs (Cadre-wise)

**PERIOD- JULY TO DECEMBER 2023**

## Judicial Officers (Cadre-wise)

Cadre of Judicial Officers	Present Working strength
Principal District Judge	2
District Judge	2
Civil Judge (Senior Division)	3
Civil Judge (Junior Division)	3

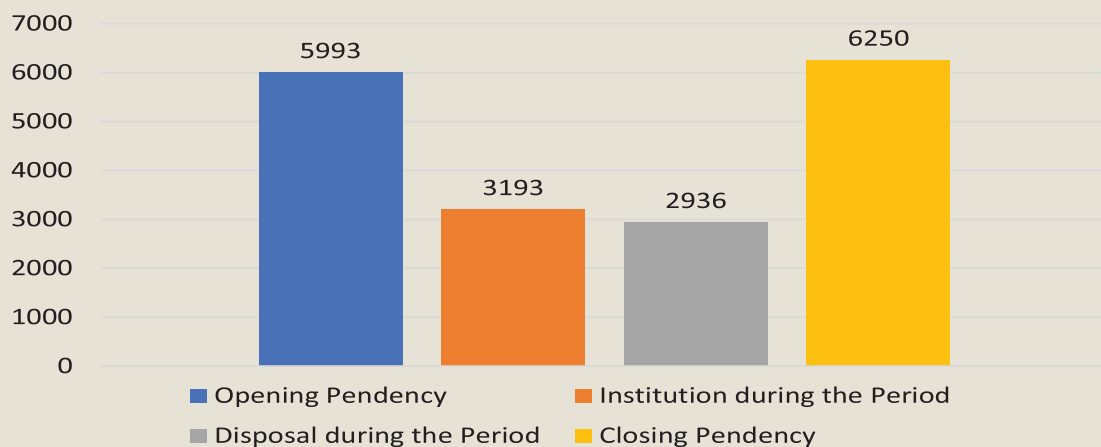
## Court Manager- 00

## MINISTERIAL & CLASS-IV STAFFS (CADRE-WISE)

Cadre of Ministerial Staffs	Sanctioned strength	Present working strength	Vacancy position
Assistant	37	35	2
Stenographer	9	8	1
Typist	1	1	0
Deposition Typist	6	5	1
Driver	3	2	1
Peon	55	54	1

## JUDGESHIP WISE REPORT ON STATISTICS

20 Old Case Disposal	Opening Balance at the beginning of the PERIOD			Institution during the Period			Disposal during the Period			Closing Balance at the end of the PERIOD		
	Civil	Criminal	Total	Civil	Criminal	Total	Civil	Criminal	Total	Civil	Criminal	Total
114	1461	4532	5993	332	2861	3193	245	2691	2936	1548	4702	6250



# NAME OF JUDGESHIP- PAKUR

Sanctioned strength, present working strength and vacancy position of Judicial Officers and Ministerial Staffs (Cadre-wise)

## PERIOD- JULY TO DECEMBER 2023

### Judicial Officers (Cadre-wise)

Cadre of Judicial Officers	Present Working strength
Principal District Judge	2
District Judge	2
Civil Judge (Senior Division)	3
Civil Judge (Junior Division)	2

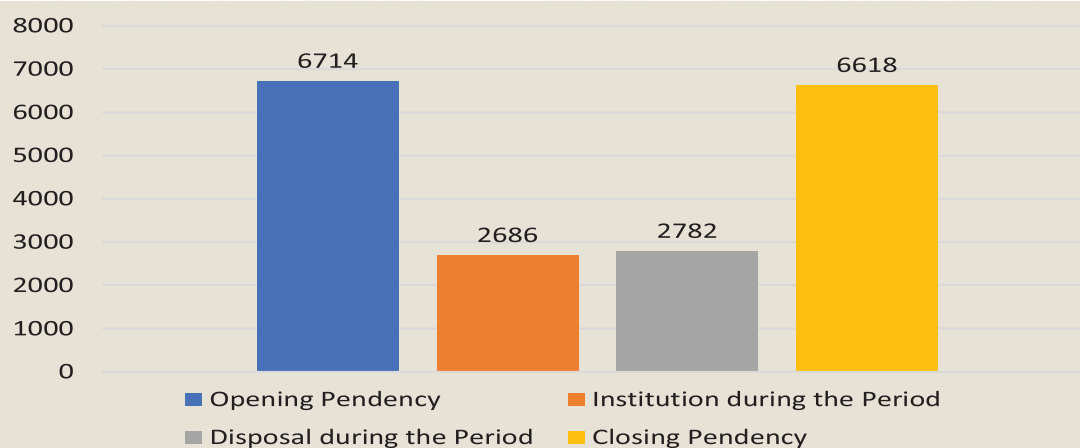
### Court Manager -01

### MINISTERIAL & CLASS-IV STAFFS (CADRE-WISE)

Cadre of Ministerial Staffs	Sanctioned strength	Present working strength	Vacancy position
Assistant	51	43	08
Stenographer	11	06	05
Typist	01	01	0
Deposition Typist	04	03	01
Driver	05	03	02
Peon	50	44	06

### JUDGESHIP WISE REPORT ON STATISTICS

20 Old Case Disposal	Opening Balance at the beginning of the PERIOD			Institution during the Period			Disposal during the Period			Closing Balance at the end of the PERIOD		
	Civil	Criminal	Total	Civil	Criminal	Total	Civil	Criminal	Total	Civil	Criminal	Total
76	947	5767	6714	284	2402	2686	292	2490	2782	939	5679	6618



# NAME OF JUDGESHIP- RAMGARH

Sanctioned strength, present working strength and vacancy position of Judicial Officers and Ministerial Staffs (Cadre-wise)

**PERIOD- JULY TO DECEMBER 2023**

## Judicial Officers (Cadre-wise)

Cadre of Judicial Officers	Present Working strength
Principal District Judge	02
District Judge	02
Civil Judge (Senior Division)	05
Civil Judge (Junior Division)	04

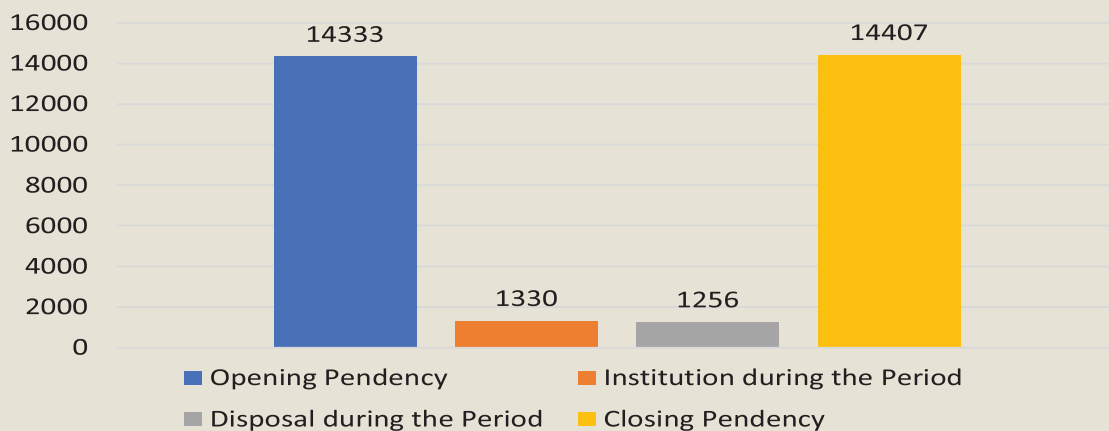
**Court Manager- 01**

## MINISTERIAL & CLASS-IV STAFFS (CADRE-WISE)

Cadre of Ministerial Staffs	Sanctioned strength	Present working strength	Vacancy position
Assistant	61	47+ *01=48	13
Stenographer	15	08	07
Typist (Hindi)	-	*01 included in the Assistant Cadre	-
Deposition Typist	09	09	00
Driver	05	05	00
Peon	61	61	00

## JUDGESHIP WISE REPORT ON STATISTICS

20 Old Case Disposal	Opening Balance at the beginning of the PERIOD			Institution during the Period			Disposal during the Period			Closing Balance at the end of the PERIOD		
	Civil	Criminal	Total	Civil	Criminal	Total	Civil	Criminal	Total	Civil	Criminal	Total
48	2879	11454	14333	288	1042	1330	356	900	1256	2811	11596	14407



# NAME OF JUDGESHIP- RANCHI

Sanctioned strength, present working strength and vacancy position of Judicial Officers and Ministerial Staffs (Cadre-wise)

## PERIOD- JULY TO DECEMBER 2023

### Judicial Officers (Cadre-wise)

Cadre of Judicial Officers	Present Working strength
Principal District Judge	02
District Judge	18
Civil Judge (Senior Division)	21
Civil Judge (Junior Division)	13

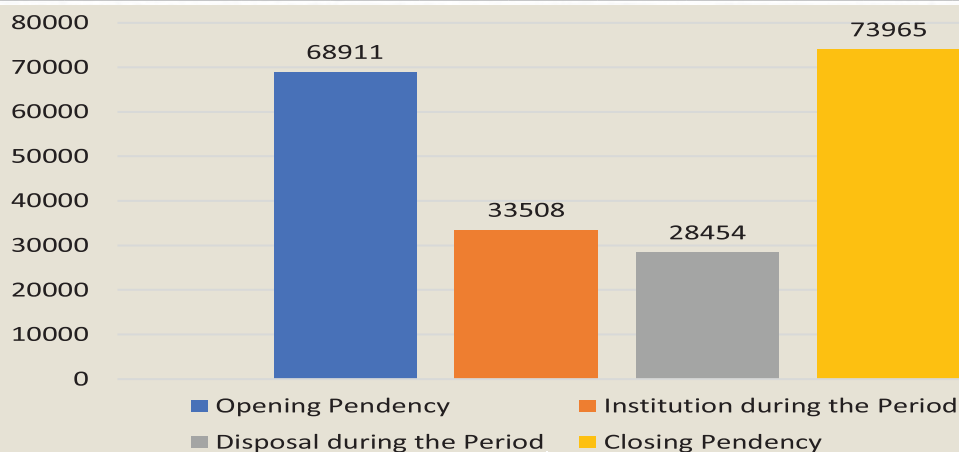
### Court Manager -01

### MINISTERIAL & CLASS-IV STAFFS (CADRE-WISE)

Cadre of Ministerial Staffs	Sanctioned strength	Present working strength	Vacancy position
Assistant	210	176	34
Stenographer	53	26	27
Typist	11	7	4
Deposition Typist	41	32	9
Driver	18	14	4
Peon	194	175	19

### JUDGESHIP WISE REPORT ON STATISTICS

20 Old Case Disposal	Opening Balance at the beginning of the PERIOD			Institution during the Period			Disposal during the Period			Closing Balance at the end of the PERIOD		
	Civil	Criminal	Total	Civil	Criminal	Total	Civil	Criminal	Total	Civil	Criminal	Total
150	14861	54050	68911	3525	29983	33508	3166	25288	28454	15220	58745	73965



# NAME OF JUDGESHIP- SAHIBGANJ

Sanctioned strength, present working strength and vacancy position of Judicial Officers and Ministerial Staffs (Cadre-wise)

**PERIOD- JULY TO DECEMBER 2023**

## Judicial Officers (Cadre-wise)

Cadre of Judicial Officers	Present Working strength
Principal District Judge	02
District Judge	06
Civil Judge (Senior Division)	04
Civil Judge (Junior Division)	07

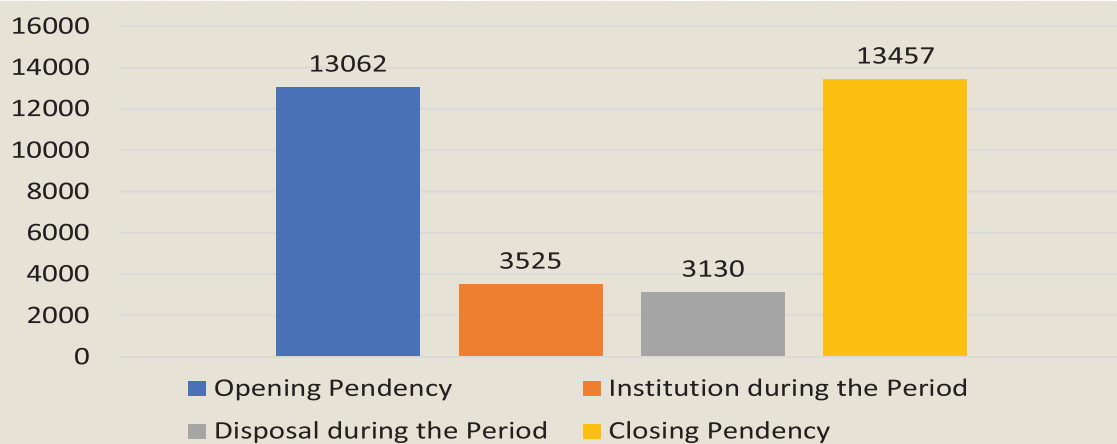
**Court Manager- 01**

## MINISTERIAL & CLASS-IV STAFFS (CADRE-WISE)

Cadre of Ministerial Staffs	Sanctioned strength	Present working strength	Vacancy position
Assistant	60	43	17
Stenographer	22	16	06
Typist	01	01	--
Deposition Typist	08	04	04
Driver	08	08	--
Peon	83	76	07

## JUDGESHIP WISE REPORT ON STATISTICS

20 Old Case Disposal	Opening Balance at the beginning of the PERIOD			Institution during the Period			Disposal during the Period			Closing Balance at the end of the PERIOD		
	Civil	Criminal	Total	Civil	Criminal	Total	Civil	Criminal	Total	Civil	Criminal	Total
141	1262	11800	13062	393	3132	3525	304	2826	3130	1351	12106	13457



# NAME OF JUDGESHIP- SERAIKELLA

Sanctioned strength, present working strength and vacancy position of Judicial Officers and Ministerial Staffs (Cadre-wise)

## PERIOD- JULY TO DECEMBER 2023

### Judicial Officers (Cadre-wise)

Cadre of Judicial Officers	Present Working strength
Principal District Judge	2
District Judge	4
Civil Judge (Senior Division)	3
Civil Judge (Junior Division)	2

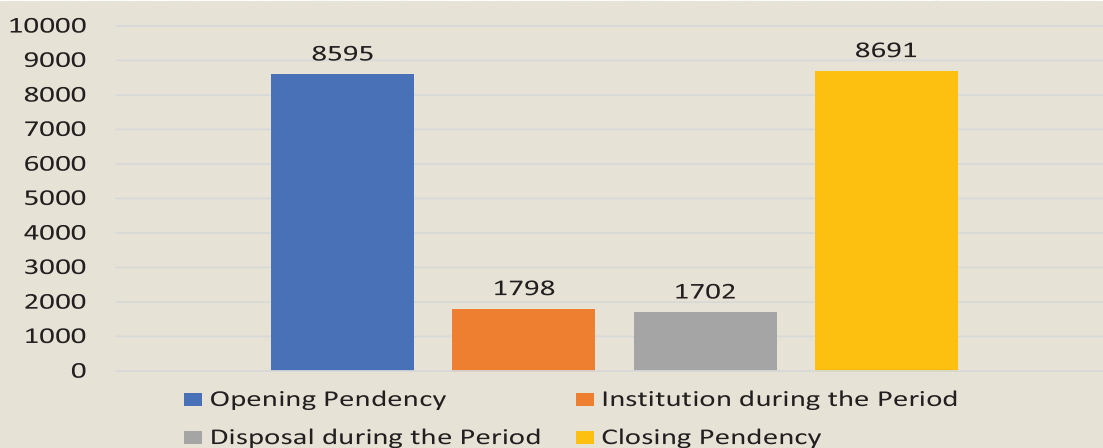
### Court Manager -01

### MINISTERIAL & CLASS-IV STAFFS (CADRE-WISE)

Cadre of Ministerial Staffs	Sanctioned strength	Present working strength	Vacancy position
Assistant	72	35	37
Stenographer	13	07	06
Typist	03	01	02
Deposition Typist	11	04	07
Driver	06	04	02
Peon	64	47	17

### JUDGESHIP WISE REPORT ON STATISTICS

20 Old Case Disposal	Opening Balance at the beginning of the PERIOD			Institution during the Period			Disposal during the Period			Closing Balance at the end of the PERIOD		
	Civil	Criminal	Total	Civil	Criminal	Total	Civil	Criminal	Total	Civil	Criminal	Total
110	1283	7312	8595	280	1518	1798	242	1460	1702	1321	7370	8691



# NAME OF JUDGESHIP- SIMDEGA

Sanctioned strength, present working strength and vacancy position of Judicial Officers and Ministerial Staffs (Cadre-wise)

**PERIOD- JULY TO DECEMBER 2023**

## Judicial Officers (Cadre-wise)

Cadre of Judicial Officers	Present Working strength
Principal District Judge	1
District Judge	2
Civil Judge (Senior Division)	2
Civil Judge (Junior Division)	1

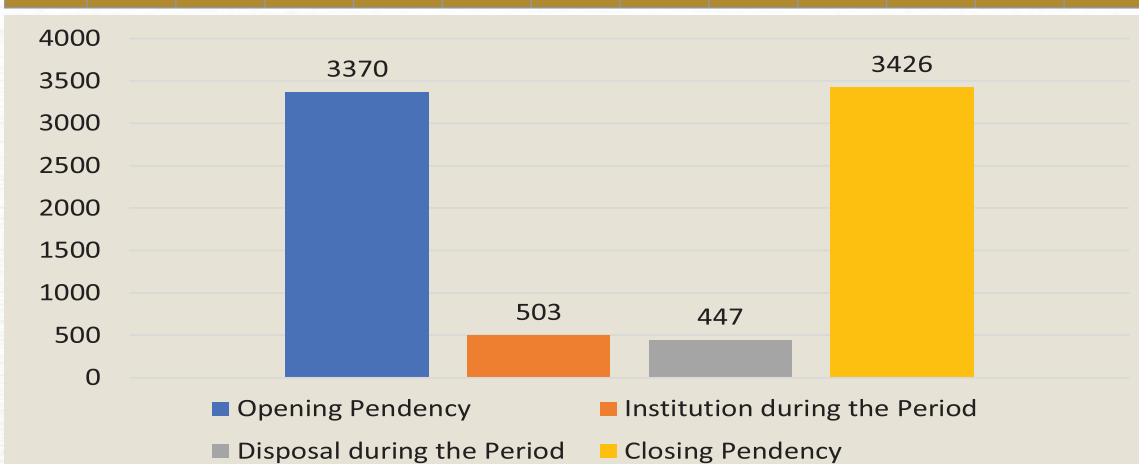
**Court Manager- 01**

## MINISTERIAL & CLASS-IV STAFFS (CADRE-WISE)

Cadre of Ministerial Staffs	Sanctioned strength	Present working strength	Vacancy position
Assistant	46	31	15
Stenographer	10	08	02
Deposition Typist	04	04	Nil
Typist	-	-	-
Peon	55	54	01
Driver	04	04	Nil

## JUDGESHIP WISE REPORT ON STATISTICS

20 Old Case Disposal	Opening Balance at the beginning of the PERIOD			Institution during the Period			Disposal during the Period			Closing Balance at the end of the PERIOD		
	Civil	Criminal	Total	Civil	Criminal	Total	Civil	Criminal	Total	Civil	Criminal	Total
38	248	3122	3370	43	460	503	39	408	447	252	3174	3426









झारखण्ड उच्च न्यायालय

