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Laxmi Chatterjee and Ors Vs. The State of Jharkhand and Anr

Laxmi Chatterjee and Ors Vs. The State of Jharkhand and Anr

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Court : Jharkhand

Decided On : Jul-17-2017

Appellant : Laxmi Chatterjee and Ors

Respondent : The State of Jharkhand and Anr

Judgement :

IN THE HIGH COURT OF JHARKHAND AT RANCHI Cr. Appeal (S.J.) No. 620 of 2017 1.Laxmi Chatterjee 2.Mithu Ghoshal 3.Purnashish Ghoshal 4.Itu Mukharjee @ Itu Mukherji 5.Kumkum Mukherjee @ Kumkum Mukherji.. Appellants Versus The State of Jharkhand & Anr. .. Respondents --------- CORAM: HON'BLE MR. JUSTICE ANANT BIJAY SINGH --------- For the Appellants : Mr. Shailesh Kr. Singh, Advocate. For the State : A.P.P. For the O.P. No. 2 : Mr. Afaque Rashidi, Advocate. --------- 05/Dated:

17. 07/2017 List this case along with A.B.A. No. 595 of 2017. Till then, interim relief granted earlier shall continue. (Anant Bijay Singh, J.) Sunil/ IN THE HIGH COURT OF JHARKHAND AT RANCHI Cr. Appeal (S.J.) No. 407 of 2017 Suresh Saw @ Chhoti Saw @ Suesh Saw .. Appellant Versus The State of Jharkhand & Anr. .. Respondents --------- CORAM: HON'BLE MR. JUSTICE ANANT BIJAY SINGH --------- For the Appellant : Mr. A.K. Sahani, Advocate. For the State : A.P.P. For the O.P. No. 2 : Mr. S.K. Murty, Advocate. --------- 05/Dated:

17. 07/2017 It is submitted by learned counsel for the appellant that the trial of the case has already concluded. In the facts and circumstances of the case, this

appeal is dismissed. (Anant Bijay Singh, J.) Sunil/ IN THE HIGH COURT OF JHARKHAND AT RANCHI Cr. Appeal (S.J.) No. 809 of 2015 Nakul Mandal .. Appellant Versus The State of Jharkhand & Anr. .. Respondents --------- CORAM: HON'BLE MR. JUSTICE ANANT BIJAY SINGH --------- For the Appellant : Mr. P.C. Sinha, Advocate. For the State : A.P.P. --------- 05/Dated:

17. 07/2017 Sole appellant has faced the trial in Sessions Trial No. 296 of 2006 before the Court of Sri Pradeep Kumar Chourasia, learned 2nd Additional Sessions Judge-cum-Fast Track Court, Deoghar, who under judgment dated 31.08.2017 has held the appellant guilty under Sections 335/341 of the I.P.C. and further awarded sentence to undergo S.I. for three years and shall pay fine of Rs. 5,000/- for having committed offence under Section 335 of I.P.C. and in default of pay the fine, he shall further undergo S.I. for three months and he shall also pay Rs. 500/- for having committed offence under Section 341 of the I.P.C. and in default to pay the fine, he shall further undergo S.I. for 15 days. Appeal was filed on 03.10.2015 and it was listed before the Bench on 01.12.2015 and prayer was made for listing this case after two weeks. Further, it was listed after 1 year. Learned counsel for the appellant has submitted that he may be granted four weeks time to enable the appellant to get surrender and file surrender certificate. List this case after four weeks. (Anant Bijay Singh, J.) Sunil/ IN THE HIGH COURT OF JHARKHAND AT RANCHI Cr. Appeal (S.J.) No. 1180 of 2017 Alok Singh .. Appellant Versus The State of Jharkhand .. Respondent --------- CORAM: HON'BLE MR. JUSTICE ANANT BIJAY SINGH --------- For the Appellant : Mr. Razaullah Ansari, Advocate. For the State : A.P.P. --------- 04/Dated:

17. 07/2017 Sole appellant has preferred an application under Section 14-A of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, being aggrieved and dissatisfied with the order dated 07.06.2017 passed by learned Additional Sessions Judge-I-cum-Special Judge, S.C. & S.T. (POA) Act, Palamau at Daltonganj in S.C. / S.T. Case No. 05 of 2017, which arises out of Rehla P.S. Case No. 08 of 2017, registered under Sections 341, 323, 307, 353, 332, 504, 506, 34 of the I.P.C. and Section 3 (x)(xi) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, lodged on the basis of one written report given by Bhaso Rajak, whereby the learned Special Judge has rejected the prayer for

bail of the appellant. Learned counsel for the appellant has submitted that appellant is in custody since 23.02.2017. Learned counsel for the appellant is directed to add informant - Bhaso Rajak as respondent no. 2 and shall take steps for service of notice on respondent no. 2, for which requisites etc., under registered cover with A/D as well as under ordinary process, must be filed within 10 days. In the meanwhile, office is directed to call for the case diary. Be that as it may, keeping in view the fact that the appellant is custody since 23.02.2017, appellant, above named, is directed to be released on provisional bail till 10.10.2017 on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge-I-cum-Special Judge, S.C. & S.T. (POA) Act, Palamau at Daltonganj, in connection with Rehla P.S. Case No. 08 of 2017, corresponding to S.C. / S.T. Case No. 05 of 2017. -2- List this case 15.09.2017, on that date, both the parties are directed to remain physically present before this Court, so that in their presence, possibility of framing of rehabilitation scheme for the respondent no. 2 may be explored. (Anant Bijay Singh, J.) Sunil/ IN THE HIGH COURT OF JHARKHAND AT RANCHI Cr. Appeal (S.J.) No. 1155 of 2017 Deepak Kumar Sahu .. Appellant Versus The State of Jharkhand .. Respondent --------- CORAM: HON'BLE MR. JUSTICE ANANT BIJAY SINGH --------- For the Appellant : Mr. Avishek Prasad, Advocate. For the State : A.P.P. --------- 10/Dated:

17. 07/2017 Sole appellant has preferred an application under Section 14-A (2) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, being aggrieved and dissatisfied with the order dated 08.03.2017 passed by learned AJC-I, Ranchi in B.P. No. 1952 of 2016, which arises out of Chanho P.S. Case No. 44 of 2016, registered under Sections 376, 323, 342, 504, 506 of the I.P.C. and Section 3 (1)(ii) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, lodged on the basis of one written report given by Kusum Devi, whereby the learned Special Judge has rejected the prayer for bail of the appellant. Learned counsel for the appellant has submitted that appellant is in custody since 03.02.2017. Learned counsel for the appellant is directed to add informant - Kusum Devi as respondent no. 2 and shall take steps for service of notice on respondent no. 2, for which requisites etc., under registered cover with A/D as well as under ordinary process, must be filed within 10 days. In the

meanwhile, office is directed to call for the case diary. Be that as it may, keeping in view the fact that the appellant is custody since 03.02.2017, appellant, above named, is directed to be released on provisional bail till 09.10.2017 on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of like amount each to the satisfaction of learned A.J.C.-I, Ranchi, in connection with Chanho P.S. Case No. 44 of 2016, corresponding to G.R. No. 3208 of 2016. List this case 14.09.2017, on that date, both the parties are directed to remain physically present before this Court, so that in their presence, possibility of framing of rehabilitation scheme for the respondent no. 2 may be explored. (Anant Bijay Singh, J.) Sunil/ IN THE HIGH COURT OF JHARKHAND AT RANCHI Cr. Appeal (S.J.) No. 1125 of 2017 1.Kisun Mahto 2.Ashok Kumar Mahto @ Ashok Kumar 3.Raj Kumar 4.Naresh Kumar 5.Kalawati Devi .. Appellants Versus The State of Jharkhand .. Respondent --------- CORAM: HON'BLE MR. JUSTICE ANANT BIJAY SINGH --------- For the Appellants : Mr. Rahul Kumar, Advocate. For the State : A.P.P. --------- 04/Dated:

17. 07/2017 Five appellants have preferred an application under Section 14-A of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, being aggrieved and dissatisfied with the order dated 07.06.2017 passed by learned Additional Sessions Judge-3rd, Hazaribag in A.B.P. No. 395 of 2017, which arises out of Sadar (SC/ST) P.S. Case No. 02 of 2017, G.R. No. 155/2017, registered under Sections 341, 323, 427, 504, 34 of the I.P.C. and Section 3 (1)(x) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, lodged on the basis of one written report given by Suraj Kumar Paswan, whereby the learned Special Judge has rejected the prayer for anticipatory bail of the appellant in terms of Section 18 of the SC/ST Act. The informant has appeared through learned counsel Sudhir Kumar Mahto. Let the name of Sri Sudhir Kumar Mahto be reflected in the cause list on behalf of the informant. In the meanwhile, office is directed to call for the case diary. List this case 13.09.2017, on that date, both the parties are directed to remain physically present before this Court, so that in their presence, possibility of framing of rehabilitation scheme for the informant may be explored. Till then, no coercive steps shall be taken against the appellants, in connection with Sadar (SC/ST) P.S. Case No. 02 of 2017, G.R. No. 155/2017, pending in the court of C.J.M., Hazaribagh. (Anant Bijay Singh, J.) Sunil/ IN THE

HIGH COURT OF JHARKHAND AT RANCHI Cr. Appeal (S.J.) No. 1043 of 2017 1. Rita Devi 2. Dharmajeet Kumar 3. Chandmoti Devi .. Appellants Versus The State of Jharkhand & Anr. .. Respondents --------- CORAM: HON'BLE MR. JUSTICE ANANT BIJAY SINGH --------- For the Appellants : Mr. Krishna Murari, Advocate. For the State : A.P.P. --------- 04/Dated:

17. 07/2017 Five appellants have preferred an application under Section 14-A of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, being aggrieved and dissatisfied with the order dated 27.03.2017 passed by learned Additional Sessions Judge-I, Jamshedpur in A.B.P. No. 253 of 2017, which arises out of C-1 Case No. 579 of 2016, registered under Sections 323, 379, 504, 506, 34 of the I.P.C. and Section 3 (x) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, lodged on the basis of one written report given by Rita Devi, whereby the learned Sessions Judge has dismissed the prayer for anticipatory bail of the appellant in terms of Section 18 of the SC/ST Act with a direction to surrender before the learned court below within 15 days. Learned counsel for the appellants is directed to take steps for service of notice on respondent no. 2, for which requisites etc., under registered cover with A/D as well as under ordinary process, must be filed within 10 days. Since, this is a complaint case, let LCR be called for from the court concerned. List this case 20.09.2017, on that date, both the parties are directed to remain physically present before this Court, so that in their presence, possibility of framing of rehabilitation scheme for the opposite party no. 2 may be explored. Till then, no coercive steps shall be taken against the appellants, in connection with C-1 Case No. 579 of 2016, pending in the court of J.M., 1st Class, Jamshedpur. (Anant Bijay Singh, J.) Sunil/ IN THE HIGH COURT OF JHARKHAND AT RANCHI Cr. Appeal (S.J.) No. 95 of 2017 Manoj Das .. Appellant Versus The State of Jharkhand & Anr. .. Respondents --------- CORAM: HON'BLE MR. JUSTICE ANANT BIJAY SINGH --------- For the Appellant : Mr. P.K. Rahul, Advocate. For the State : A.P.P. --------- 09/Dated:

17. 07/2017 It appears that under order dated 10.04.2017, notices were issued to opposite party no. 2 by both the modes. Service report of notice sent through the process of the court has been received with the report of Judge-in-Charge,

Jamshedpur that notice has been received by Ravi Murmu, but nobody appears on behalf of the opposite party no.

2. Further, learned APP has received the case diary and has filed counter affidavit. From perusal of para-7 of the counter affidavit, which refers para-32 of the case diary, it appears that appellant has earlier moved in Cr.M.P. No. 7322 of 2016 for quashing of entire criminal proceeding and no coercive action was passed against the appellant. Office is directed to call for the record of Cr.M.P. No. 7322 of 2016. List this case after three weeks. (Anant Bijay Singh, J.) Sunil/ IN THE HIGH COURT OF JHARKHAND AT RANCHI Cr. Appeal (S.J.) No. 1019 of 2017 Gauri Shankar Singh .. Appellant Versus The State of Jharkhand .. Respondent --------- CORAM: HON'BLE MR. JUSTICE ANANT BIJAY SINGH --------- For the Appellant : Mr. Avishek Prasad, Advocate. For the State : A.P.P. --------- 10/Dated:

17. 07/2017 Sole appellant has preferred an application under Section 14-A of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, being aggrieved and dissatisfied with the order dated 05.05.2017 passed by learned Sessions Judge, Gumla in A.B.P. No. 89 of 2017, which arises out of Chainpur P.S. Case No. 16 of 2012, G.R. No. 341 of 2012, registered under Sections 366(A), 367 of the I.P.C. and Section 3 / 4 of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, lodged on the basis of one written report given by Matlu Lohra, whereby the learned Special Judge has rejected the prayer for anticipatory bail of the appellant in view of Section 18 of SC/ST (Prevention of Atrocities) Act, 1989. Learned counsel for the appellant is directed to add informant - Matlu Lohra as respondent no. 2 and shall take steps for service of notice on respondent no. 2, for which requisites etc., under registered cover with A/D as well as under ordinary process, must be filed within 10 days. In the meanwhile, office is directed to call for the case diary. List this case 18.09.2017, on that date, both the parties are directed to remain physically present before this Court, so that in their presence, possibility of framing of rehabilitation scheme for the daughter and niece of the informant may be explored. Till then, no coercive steps shall be taken against the appellant, in connection with Chainpur P.S. Case No. 16 of 2012, G.R. No. 341 of 2012, pending in the court of learned Sessions Judge, Gumla. (Anant Bijay Singh, J.) Sunil/ IN THE HIGH COURT OF

JHARKHAND AT RANCHI Cr. Appeal (S.J.) No. 575 of 2017 1. Chandan Sao 2. Gunjan Sao 3. Sarju Sao @ Sarju Saw .. Appellants Versus The State of Jharkhand & Anr. .. Respondents --------- CORAM: HON'BLE MR. JUSTICE ANANT BIJAY SINGH --------- For the Appellants : Mr. R.N. Singh, Advocate. For the State : A.P.P. --------- 03/Dated:

17. 07/2017 Three appellants namely Chandan Sao, Gunjan Sao and Sarju Sao @ Sarju Saw have preferred this appeal under Section 14-A (2) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act for grant of regular bail, being aggrieved and dissatisfied with the order dated 07.03.2017 passed by learned Additional Sessions Judge-I, Palamau in B.P. No. 145 of 2017, arising out of Hariharganj P.S. Case No. 36 of 2016 dated 03.06.2016 registered under Sections 341, 323, 379, 504, 506 of I.P.C. & Section 3 / 4 of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, lodged on the basis of one written report given by Sanjay Choudhary, whereby the learned Sessions Judge has rejected the bail of the appellants. On 24.04.2017, appellant no. 3 Sarju Sao @ Sarju Saw was admitted on bail taking into consideration his age and further notices were issued to the respondent no. 2 and case diary was called for. Office note reveals that notice has been received by respondent no. 2, but he failed to appear. Learned counsel for the appellants has submitted that no case under Section 3 / 4 of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act is made out and in support of the submission he has relied on the Division Bench judgment passed by the Hon'ble High Court of Delhi reported in ILR(2002) 2 Del 237 in the case of D.P.Vats Vs. Sate and Ors., wherein Hon'ble Division Bench of Delhi High Court has held that to constitute an offence under the provision of SC/ST (Prevention of Atrocities) Act, person making alleged derogatory -2- utterance must know that the person whom he is intentionally insulting or intimidating with intent to humiliate him in the name of caste belongs to SC or ST, which has been followed by the High Court of Delhi in the case of MS Gayatri @ Apurna Singh Vs. State & Anr. in W.P.(CRL) No.3083/2016 delivered on 03.07.2017. Although, learned APP opposed the prayer for bail and referred to para-6 & 7 of the case diary with considerable force. In view of the submissions advanced by learned counsel for the appellants, the order dated 07.03.2017 is set aside. The appellants namely Chandan Sao and Gunjan Saw are directed to

release on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of ACJM, Palamau at Daltonganj, in connection with Hariharganj P.S. Case No. 36 of 2016, corresponding to G.R. No. 921 of 2016. Accordingly, this appeal is allowed. (Anant Bijay Singh, J.) Sunil/ IN THE HIGH COURT OF JHARKHAND AT RANCHI A.B.A. No. xxxx of 201x xxx .. Petitioner Versus The State of Jharkhand .. Opp. Party --------- CORAM: HON'BLE MR. JUSTICE ANANT BIJAY SINGH --------- For the Petitioner : Mr. xxx, Advocate. For the State : A.P.P. --------- xx/Dated:

17. 07/2017 Petitioner is apprehending his arrest in connection with xxx P.S. Case No. xx of xx, corresponding to G.R. No. xx of xx, registered under Section xx of the I.P.C. It is submitted by learned counsel for the petitioner that xxxx. Learned APP has opposed the prayer for anticipatory bail. Be that as it may, I am inclined to admit the petitioner on anticipatory bail. The above named petitioner is directed to surrender in the Court below within three weeks from the date of this order and in the event of his arrest or surrender, the Court below shall enlarge the above named petitioner on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of xxxxxx, in connection with xxxxx P.S. Case No. xxx of xxxx, corresponding to G.R. No. xxxx of xxxx, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. (Anant Bijay Singh, J.) Sunil/

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