(2026: JHHC:17383)

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Revision No. 159 of 2026

Giriwar Dhari Ram, aged about 65 years, son of Late Chhatra Dhari Ram, resident of New Anand Nagar, Harmu Road, P.O. G.P.O., P.S. Sukhdeonagar, District Ranchi. ….. …. Petitioner (s)

Versus

The State of Jharkhand ….. …. Opp. Party

CORAM: HON'BLE MR. JUSTICE RONGON MUKHOPADHYAY

For the Petitioner(s) : Mr. Aditya Kumar Choudhary, Advocate
Mr. Anil Kumar Sinha, Advocate
Mr. Vishnu Kumar, Advocate
For the State : Mr. Manoj Kumar, G.A.-III

Order No. 03/ Dated 16.06.2026

Heard Mr. Aditya Kumar Choudhary, learned counsel appearing for the petitioner and Mr. Manoj Kumar, learned G.A.-III.

This application is directed against the order dated 15.02.2025 passed by the learned Judicial Magistrate, 1st class, Ramgarh, in connection with Gola P.S. Case No.109/2014, whereby and whereunder, an application preferred by the prosecution under Section 242 Cr.P.C dated 07.10.2021 has been allowed.

Submission has been advanced by the learned counsel for the petitioner that after an application under Section 242 Cr.P.C was filed by the prosecution, a rejoinder was duly submitted before the learned Trial Court and in the order-sheet, it has repeatedly been mentioned that despite sufficient opportunity, the petitioner has failed to submit a rejoinder and considering the said fact, the application was allowed vide impugned order dated 15.02.2025. Learned counsel for the petitioner has further referred to Section 242 of the Cr.P.C., while submitting that the prosecution has not produced the name of any witness, which is a mandatory requirement and in fact, without assigning any reasons, the document, as sought for, has been directed to be exhibited. It has, therefore, been submitted that the impugned order dated 15.02.2025 being devoid of any appropriate reasons and having not contained the provisions of Section 242 Cr.P.C., deserves to be quashed and set aside.

Mr. Manoj Kumar, learned G.A.-III has opposed the prayer made in the instant application.

The petitioner is an accused in connection with Gola P.S. Case No.109/2014. In course of trial, an application was preferred by the prosecution on 07.10.2021, invoking Section 242 Cr.P.C with a prayer that certain documents are needed to be exhibited. As per the impugned order dated 15.02.2025, the documents have been sought to be marked as exhibits and on perusal of the said order, it would reveal that despite sufficient opportunity given to the learned counsel for the accused, no rejoinder had been filed to the said application dated 07.10.2021. The finding recorded in the impugned order dated 15.02.2025 is apparently an error of record as would be evident from the order-sheet, which has been brought on record by the learned counsel for the petitioner, more particularly on perusal of the order dated 10.02.2022, a noting has been made that the rejoinder has been filed by the petitioner. Apart from being oblivious to the rejoinder having been filed by the petitioner, the learned Trial Court also seems not to have enumerated any appropriate reasons while allowing the application preferred under Section 242 Cr.P.C. The submission advanced by the learned counsel for the petitioner with respect to the requirement of Section 242 Cr.P.C does not find place in the impugned order and considering the entire facts and circumstances of the case, more especially to the fact that the order dated 15.02.2025 does not contain any valid or proper reasons in allowing the application preferred by the prosecution under Section 242 Cr.P.C., I hereby, quash and set aside the order dated 15.02.2025 passed by the learned Judicial Magistrate, 1st class, Ramgarh in connection with Gola P.S. Case No.109 of 2014 and direct the learned Trial Court to pass a speaking and reasoned order afresh after hearing the learned counsel for the respective parties. The exercise indicated above should be completed within a period of four weeks from the date of receipt / production of a copy of this order.

This Cr. Revision application stands allowed with the aforementioned observations and directions.

(Rongon Mukhopadhyay, J.)

Dated 16/06/2026
BS/-