IN THE HIGH COURT OF JHARKHAND AT RANCHI

Cr. M.P. No. 2355 of 2018

Sunil Kumar Sawa, son of Madan Lal Sawa

... ... Petitioner

Versus

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

CORAM: HON'BLE MRS. JUSTICE ANUBHA RAWAT CHOUDHARY

For the Petitioner : Mr. Ashim Kr. Sahani, Advocate
For the Opp. Party- State : Mr. Veervijay Pradhan, Advocate

Through Video Conferencing

10/09.12.2020 Heard Mr. Ashim Kr. Sahani, learned counsel appearing on behalf of the petitioner.

2. Heard Mr. Veervijay Pradhan, learned counsel appearing on behalf of the opposite party- State.

3. Learned counsel for the petitioner, at the outset, submits that the present petition has been filed for quashing of order dated 17.04.2018 passed by the learned Sessions Judge, West Singhbhum at Chaibasa in Criminal Revision No. 4 of 2018 arising out of order dated 07.12.2017 passed by learned Judicial Magistrate, 1st Class, Chaibasa in G.R. No. 299 of 2013 (Manoharpur P.S. Case No. 67 of 2013) whereby the prayer of the petitioner for discharge under Section 239 of Code of Criminal Procedure was rejected, but during the pendency of the present case, the charge has already been framed.

4. Learned counsel for the petitioner further submits that the impugned orders passed by the learned Sessions Judge dated 17.04.2018 as well as the order passed by the learned Judicial Magistrate, 1st Class, Chaibasa dated 07.12.2017 have made serious observations against the petitioner, which may prejudice the case of the petitioner at the stage of trial. The learned counsel submits that he would be satisfied if the observations made in the impugned judgements are expunged and liberty is given to the petitioner to raise all the points which are available to the petitioner at the stage of trial.

5. Learned counsel appearing on behalf of the opposite party- State has submitted that he would have no objection if an order is passed by this Court making indicating that the observations made in the impugned orders will not prejudice the case of the petitioner at the stage of trial and that it will be open to the petitioner to raise all the points before the learned trial court.

6. After hearing the learned counsel for the parties and considering the facts and circumstances of this case, it is not in dispute that during the pendency of this case, charge has already been framed and the petitioner in this petition has challenged the order refusing to discharge him vide order dated 07.12.2017 passed by the learned Judicial Magistrate, 1st Class, Chaibasa in G.R. No. 299 of 2013, against which revision petition was also rejected vide order dated 17.04.2018 passed by the learned Sessions Judge, West Singhbhum at Chaibasa.

7. Considering the submissions of the parties, the present petition is disposed of with an observation that any observations made by the learned courts below in the impugned orders will not prejudice the case of the petitioner at the stage of trial in any manner and it will be open to the petitioner to raise all the points which have been raised in the present petition as well as other points which may be available to the petitioner in law before the learned trial court and the dismissal of his discharge petition, and the impugned orders will not prejudice his case in any manner whatsoever.

8. With the aforesaid observations, the present petition is disposed of.

(Anubha Rawat Choudhary, J.)

Saurav