IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No. 1356 of 2026

Roshan Sonkar @ Roushan Sonkar, aged about 23 years, son of Ramvilash Sonkar, resident of village –Jamalpur, Mirjapur Kasba Khas, Dakbangla Road, near Bank of Baroda, P.O. & P.S. –Ghosi, Distirct – Mau, State –Uttar Pradesh.

.... Petitioner

Versus

The State of Jharkhand .... Opp. Party

P R E S E N T

HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

.....

For the Petitioner : Mr. Rohit Sinha, Advocate
: Mr. Vijay Shankar, Avocate
: Md. Imran Hassan, Advocate
: Mr. Paritosh Rai, Advocate
For the State : Mrs. Shweta Singh, Addl. P.P.

.....

By the Court:-

1. Heard the parties.

2. This criminal miscellaneous petition has been filed invoking the jurisdiction of this Court under Section 528 of the B.N.S.S., 2023 with the vague prayer to hear the parties and allow the application.

3. The brief fact of the case is that the petitioner is an accused of having committed the offences punishable under Section 64(1), 115(2), 352, 351(2), 324(2) and 3(5) of the B.N.S., 2023. On the basis of the written report submitted by the informant police registered Telaiya P.S. Case No. 188 of 2025 and took up investigation of the case. Finding the allegations against the petitioner to be true for having committed the said offences, police submitted charge sheet

against the petitioner for having committed the said offences. The cognizance of the offences was taken by the learned Magistrate. The case was committed to the court of Sessions. The petitioner never challenged either the charge sheet or the cognizance order nor filed any discharge petition in the court of Sessions Judge. The learned Sessions Judge basing upon the materials available in the record has framed charges against the petitioner for having committed the said offences as already indicated above.

4. The learned counsel for the petitioner relies upon the Judgment of the Hon'ble Supreme Court of India in the case of **Fiona Shrikhande Vs. State of Maharashtra and Another**, reported in **(2013) 14 SCC 44** and submits that in para -13 of the said judgment, the Hon'ble Supreme Court of India has dealt with the ingredients of the offences punishable under Section 504 of the Indian Penal Code. It is next submitted that the allegation against the petitioner is false. Hence, it is submitted that the prayer as prayed for by the petitioner in this criminal miscellaneous petition be allowed.

5. The learned Addl. P.P. on the other hand vehemently opposes the prayer as prayed for by the petitioner and submits that the petitioner has come up with a vague petition without making any specific prayer and the conduct of the petitioner is only to throw a spanner in the smooth process of the trial. It is then submitted that the conduct of the petitioner in not challenging the charge sheet, the cognizance order nor filing any petition for discharge nor

challenging the order by which charge has been framed against him and straightway when trial has already begun, coming to the court and raising a defence plea that the allegations against him are false or no offence is made out against the petitioner is only for bypassing the process of trial; as there is overwhelming evidence against the petitioner which is sufficient enough to bring home each of the charges against the petitioner. Hence it is submitted that this criminal miscellaneous petition being a frivolous one be rejected.

6. Having heard the submissions made at the Bar and after going through the materials available in the record, this Court finds that there is no specific prayer in para -24 and 25 of the instant criminal miscellaneous petition where the prayer has been mentioned. The undisputed fact remains that police after investigation of the case found the allegations against the petitioner to be true and submitted charge sheet. The same was never challenged. Basing upon the same cognizance has been taken by the learned Magistrate. The same was also never challenged. Upon the case being committed to the court of Sessions, the petitioner never filed any petition for discharge before the Sessions Judge. The learned Sessions Judge basing upon the materials in the record has framed the charges against the petitioner finding sufficient materials in the record. The trial has already begun and the petitioner instead of facing the trial has come to this Court saying that he is innocent and the allegations

against the petitioner are false on the basis of the defence plea. Since, the trial has already begun, at this stage, this Court is not inclined to step into the shoes of the trial court by conducting a mini trial in exercise of the power under Section 528 of the B.N.S.S., 2023 as the same is prohibited in law, as has been held by the Hon'ble Supreme Court of India in the case of **State of Madhya Pradesh vs. Awadh Kishore Gupta & Ors.** reported in **2004 2 Supreme 501**, wherein it was held that the defence of the accused person and the veracity of the evidence put forth by the accused person, cannot be considered in exercise of its jurisdiction under Section 482 Cr.P.C. which corresponds to Section 528 of the B.N.S.S., by the High Court, as that would be job of the trial court.

7. It is also a settled principle of law as has been reiterated by the Hon'ble Supreme Court of India in the case of **State of Uttar Pradesh & Anr. vs. Akhil Sharda & Ors.,** reported in **2022 LiveLaw SC 594** that in exercise of power under Section 482 Cr.P.C the high court cannot conduct a mini trial.

8. Under such facts and circumstances of the case, this criminal miscellaneous petition is dismissed being without any merit and a frivolous one.

(Anil Kumar Choudhary, J.)

High Court of Jharkhand, Ranchi
Dated the 6th May, 2026
AFR/Sonu-

Uploaded on 18.05.2026