IN THE HIGH COURT OF JHARKHAND AT RANCHI

Cr. M.P. (D.B.) No.2249 of 2017

Shrikant Ray son of Late Badri Prasad Ray, resident of Muhalla-Mahabir Nagar, P.O-Godda, P.S-Godda Nagar, District-Godda

..... … Victim/ Petitioner

Versus

1. The State of Jharkhand
2. Krishna Sah son of Late Mohan Prasad;
3. Ahilya Devi Wife of Krishna Sah;
4. Rakesh Kumar son of Krishna Sah;
5. Vikram @ Banti Kumar son of Ram Chandra Sah;
6. Ashok Sah son of Late Nageshwar Sah;
7. Manoj Sah son of Late Nageshwar Sah;
8. Tinki Swarnkar son of Madan Swarnakar;

   All resident of Mohalla-Routara, P.O-Godda, P.S-Godda Nagar, District-Godda. **… … Respondents**

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

For the Petitioner : Mrs. Rajni Singh, Advocate
For the Respondents : Mrs. Priya Shrestha, Spl.PP

Order No.12/Dated: 29th September, 2026

1. The instant Criminal Miscellaneous Petition is of the year 2017. It was listed before this Bench for the first time on 07.07.2026.

2. On that day, this Court has taken note of the order dated 20.11.2017 passed by the learned Lawajima Board whereby two weeks' time was granted to the petitioner for removing the defects failing which the case will be listed before the Hon'ble Bench. But in spite of the said order the instant petition has been listed after lapse of 8 years and 8 months before this Bench. In view thereof, the Court directed the learned Registrar General to submit a report explaining why the case has been placed before the Bench after a lapse of 8 years and 8 months, for ready reference, order dated 07.07.2026 is being quoted hereunder as:

"**<u>05/Dated: 7th July, 2026</u>**

1. The instant case has been listed under the heading Orders (with defect).

2. It needs to refer herein that as per the Lawazima Board's order dated 20.11.2017, the learned Registrar General had granted a period of two weeks to remove the defects, failing which the case was to be placed before the Hon'ble Bench under the appropriate heading, but the matter has been listed today after a lapse of 8 years and 8 months.

3. Learned Registrar General is to submit a report explaining why the case has been placed before the Bench after a lapse of 8 years and 8 months."

3. Thereafter, the instant case was listed on Board on 21.07.2026. On that day the explanation was furnished by the Registry of this Court in compliance of the order dated 07.07.2026. In the said explanation it has been stated that *the file pertaining to the instant criminal misc. petition being Cr.M.P. No.2249 of 2017 was traced during the physical verification of pending files conducted during the Summer Vacation. The file was found in the Criminal Disposal Section and was received in the Cr.M.P. Section only on 16.06.2026 and thereafter, it was immediately processed, so that, the matter be listed before the Bench*.

4. In view thereof, the Court has expressed its view that aforesaid conducts reflect lack of due diligence on the part of the Registry. It has further been observed that the report, since, has been submitted under the signature of the learned Registrar General of this Court and as such, the learned Registrar General of this Court is directed to call for a report as to what number of cases are still to be listed said to be

located in Summer Vacation. For ready reference, the order dated 21.07.2026 is being quoted hereunder as:

06/Dated: 21.07.2026

"1. The explanation has been furnished by the Registry of this Court, in pursuant to the order dated 7th July, 2026.

2. It has been stated in the said explanation that the file pertaining to the instant criminal misc. petition being Cr.M.P. No.2249 of 2017 was traced during the physical verification of pending files conducted during the Summer Vacation. The file was found in the Criminal Disposal Section and was received in the Cr.M.P. Section only on 16.06.2026 and thereafter, it was immediately processed, so that, the matter be listed before the Bench.

3. This Court needs to refer herein that the entire judicial system is for the cause of litigants.

4. The present petition has been filed in the year 2017. The explanation which was furnished that the file was located after the physical verification conducted during the Summer Vacation reflects the lack of due diligence on the part of the Registry.

5. The entire system is there and even then, it is being explained that in course of physical verification, the file has been located.

6. Why the case was not listed either before the Lawazima Board or before the Bench immediately after its filing, there is no explanation to that effect.

7. Seeking apology cannot be considered to be a sufficient explanation when the case of the litigant has seriously been suffered in listing of the matter after lapse of eight years.

8. The report, since, has been submitted under the signature of the learned Registrar General of this Court and as such, the learned Registrar General of this Court is directed to call for a report as to what number of cases are still to be listed said to be located in Summer Vacation.

> *9. This Court, before passing further necessary order, deems it fit and proper to call for details of the cases which have not been listed for years together.*
>
> *10. List this matter on **06.08.2026 along with the aforesaid report**."*

5. Accordingly, the case was listed on 06.08.2026. In compliance of the order dated 21.07.2026, a report has been filed by the Registry but without giving details as to why immediately upon filing of the case, the file was not placed before the Court under the appropriate heading whether defective or in order as mandated by the High Court Rules. The Court has expressed its view particularly at para-14 and 15 of the order dated 06.08.2026, which are being quoted hereunder for ready reference:

> *"14. This Court reiterates that it is not concerned with attributing fault to any individual officer. Nevertheless, once the lapse has been admitted by the concerned Section, the crucial question remains as to why such a failure occurred and how it was permitted to persist. That aspect requires due care and accountability, yet no response has been furnished on this point.*
>
> *15. Learned Registrar General of this Court, therefore, is directed to look into the matter as to why such thing has happened, even though, now the SoP is there prescribing all the procedures of listing but even then, the lapses have been committed."*

6. On 24.08.2026 when the matter was listed on Board, this Court has found that a two-page report has been placed as contained in Flag "R". However, this Court in the said report did not find any reference with respect to the report which has specifically been sought for by

this Court vide order dated 06.08.2026 as contained in paragraph-14 and 15 thereof, as referred hereinabove.

7. Thereafter, the matter was taken up on 17.09.2026 and the matter has been directed to be fixed today under the heading for “Orders”.

8. In compliance to the direction contained in para no.14 and 15 of the order dated 06.08.2026 as well as the direction contained in para-11 of the Courts order dated 24.08.2026 an exercise has been carried out by the Registry which is apparent from the perusal of Administrative File “Z”.

9. In that file, captioned as “Z”, the learned Registrar General has categorically mentioned in his report at Para-7 and 8 that through the existing SOPs which is Standing Order No.09 of 2024 and the Standing Order No.14 of 2024 the guidelines has been prescribed dealing with the procedure for filing and subsequent listing of cases before learned Lawajima Board and before Hon’ble Benches.

10. However, in the aforesaid standing orders the procedure or mechanism or dealing with the dislocation, misplacement, or untraceability of any particular judicial file during its movement/transition no specific procedure has been prescribed.

11. Referring to aforesaid silence in the said standing orders the learned Registrar General has intimated that a meticulous consultation has been done with the different judicial sections of the Hon’ble Court right from the in-charge Section Officers to Assistant Registrars and Deputy Registrars which are kept at Flag- (i) to (xx) [which seems to

have been inadvertently typed at para-5 of the report of learned Registrar General as (i) to (xxvi)].

12. Based upon the above reports, emphasis has been laid down in the notes of the learned Registrar General for evolution and implementation of the Digital Forward Diary for each and every judicial section which will contain each and every movement of one and all judicial files either in different section or learned Lawajima Board or even Hon'ble Benches. The aim of that Digital Forward Diary, different users, essential date fields, file details, daily work flow case status module, judicial order compliance module, file movement register, location tracking, alerts and notification, dashboard for supervisory officers, search facility, reports, audit trail, security features, integration, expected benefits and conclusion have been enumerated at the report containing suggestion at Flag-A appended as Annexure-I.

13. On this comprehensive note of Digital Forward Diary, the feasibility/viability has been enquired from CPC section who in turn has submitted that Digital Forward Diary may initially be implemented in simplified practical manner giving access of evolution during the time span of two months facilitating development and implementation of the same.

14. It is considered view of this Court that the suggestion of evolution of Digital Forward Diary seems to be a sincere practical approach to carve out the menace of dislocation, misplacement and/or untraceability of a particular judicial file during movement/transition.

15. The learned Registrar General is hereby directed to proceed with the evolution and implementation of proposed Digital Forward Diary.

16. However, it has also to be borne in mind that, since this Court is a Court of Record, the maintenance of the physical forward diary is not only essential but must be scrupulously ensured. The upkeep of such diary is required to be kept invoked with greater particularity, to the extent that:

(i) Each and every Assistant Section Officer has to maintain the Physical Forward Diary also wherein the essential entry of each and every particular file detailing the movement to different sections/ learned Lawajima Board or Benches must be mentioned;

(ii) The Section Officer in-charge of each and every section must maintain his Physical Forward Diary mentioning the name of the concerned Assistant Section Officer who has placed the file in front of every file with its movement to the destination;

(iii) At the end of each Court working day the said Physical Forward Diary of the Section Officers must be presented before the in-charge Assistant Registrars and the Deputy Registrars assigned with the work of supervision who in turn will put forth their signature without fail;

(iv) Each and every entry in the Physical Forward Diary must be corroborated while the file has returned to the section from the intending destination where it was sent and be struck off

as a mark of proof that the file now has been returned to the section concerned.

(v) The detail of future placement by way of card entry must be continued as per need and direction in each and every file.

(vi) The upkeep of physical “institution and disposal” register is also required to be maintained and preserved in each and every judicial section.

(vii) Needless to say, the Assistant Registrars/Deputy Registrars in- charge of every judicial section shall keep a tight vigil and appropriate supervision by visiting the concerned section.

17. The learned Registrar General is accordingly directed to do the needful in the matter after taking necessary kind approval from Hon’ble the Chief Justice.

18. The present Assistant Section Officer and the then Dealing Assistant including the Section Officer in-charge are hereby warned to be very careful in future in order to avoid any such dislocation or omission of work at any level whatsoever.

Cr. M.P. (D.B.) No.2249 of 2017

19. The instant Criminal Miscellaneous Petition is directed against the judgment dated 03.04.2017 passed by the learned Principal and District Sessons Judge, Godda in Sessions Trial No.200 of 2005 corresponding to Godda Nagar P.S Case No.163 of 2005 (G.R No.570/2005) for the offence under section 147, 341, 427, 307/149 of the Indian Penal Code whereby and whereunder the accused persons

(respondent nos.2 to 7 herein) acquitted by way of appeal under section 372 (proviso) of the Cr.P.C being victim of the offence.

20. Mrs. Rajni Singh, the learned counsel on instruction of Mr. Pradeep Kumar Verma, the learned counsel for the petitioner on record, has submitted that the petitioner is no more and his legal heirs and successors have not shown their interest to pursue the matter further, and since in spite of the efforts made by the learned counsel on record, they did not turn up and, as such, the instant petition has become infructuous.

21. She has further stated that no instruction has been received in this regard from the legal heirs and successors of the petitioner and as such, no appropriate application has been filed for substitution.

22. Such submission has been made in presence of Mrs. Priya Shrestha, the learned Spl. PP representing the State.

23. In view of the aforesaid, the instant Criminal Miscellaneous Petition stands dismissed having been rendered infructuous and disposed of.

24. Pending I. A(s), if any, stands disposed of.

25. This disposes the Cr. M.P No.2249 of 2017 along with the explanation submitted by different incumbents.

(Sujit Narayan Prasad, J.)

(Sanjay Prasad, J.)

Dated:29.09.2026.
Sudhir