IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No.2528 of 2026

Sanjay Prasad, aged about 60 years, Son of Late Anandi Prasad, R/o Near Pooja Hardwear, Murarpur, Road, Purani Godam, P.O. & P.S.- Gaya, District- Gaya (Bihar) PIN: 823001.

… Petitioner

Versus

The State of Jharkhand

… Opposite Parties.

For the Petitioner : Mr. Binay Kumar Sahay, Advocate.
For the State : Mr. Prabir Kumar Chatterjee, Spl.P.P.

P R E S E N T

HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

By the Court:- 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 prayer to quash the order dated 20.05.2026 passed by learned Additional Sessions Judge IX, Giridih in M.C.A. No. 2527 of 2025 in S.T. Case No. 332 of 2025 arising out of Nimiyaghat P.S. Case No. 42 of 2007 corresponding to G.R. Case No. 1049 of 2007 whereby and whereunder the petition filed by the petitioner for discharge of the offence punishable under Section 307 of the Indian Penal Code in exercise of its power under Section 228 of the Cr.P.C. by the learned Additional Sessions Judge IX, Giridih has been allowed and besides that the Additional Sessions Judge-IX, Giridih has also held that the offences punishable under Sections 413 of the Indian Penal Code is not made out and directed the learned Judicial Magistrate, First Class to frame charges against the petitioner for the rest of the offences involved in the case in respect of which Charge Sheet has been submitted by the police.

3. It is submitted by the learned counsel for the petitioner that the petitioner is innocent and he has no criminal antecedent. It is further submitted that there is no material in the record to suggest that the document related to coal are forged and fabricated documents. Hence it is submitted that the prayer as prayed for in this Cr.M.P. be allowed.

4. The learned Special Public Prosecutor vehemently opposes the prayer and submits that it is evident from the impugned order dated 20.05.2026 passed in M.C.A. Case No. 2527 of 2025 in connection with S.T. Case no. 332 of 2025 that the petitioner made the petition for discharge of the offence punishable under Section 307 of the Indian Penal Code and in this case, the petitioner has not come to Court with clean hands by suppressing the copy of the petition which was filed for discharge wherein it is mentioned that the said discharge petition was filed with limited prayer for discharge from the offence punishable under Section 307 of the Indian Penal Code, which has been allowed by the learned Additional Sessions Judge, IX, Giridih. So, the only consequence is that the case was to be sent to the learned Judicial Magistrate for consideration of framing of charge and exactly the same has been done by the learned Additional Sessions Judge, IX, Giridih by the impugned order.

5. It is then submitted by the learned Special Public Prosecutor that in this criminal miscellaneous petition, no whisper has been made by the petitioner to suggest that the petitioner did not make any prayer for discharge of the offence punishable under Section 307 of the Indian Penal Code. It is next submitted that otherwise also the undisputed facts remains that police after investigation of the case found the allegation

against the petitioner for having committed the offences punishable under Sections 467, 468, 471, 413, 414, 34 of the Indian Penal Code, Section 30 of the Coal Mines (Nationalisation) Act and Section 3 of the Indian Forest Act and the only contention of the petitioner is that the allegation against the petitioner is false which is at best, a defence which the petitioner can take during the trial of the case but certainly the same is not a ground quash the entire criminal proceedings when charge-sheet has already been submitted against the petitioner and no illegality is attributed to the impugned order of this Cr.M.P. it is lastly submitted that, this Criminal Miscellaneous Petition being without any merit be dismissed.

6. Having heard the submissions made at the Bar and after carefully going through the materials available in the record, it is pertinent to mention here that it is a settled principle of law as has been held by the Hon'ble Supreme Court of India in the case of ***State of Madhya Pradesh versus Awadh Kishore Gupta*** reported in ***2004 2 Supreme 501*** that the defence of the accused and the veracity of the evidence put forth by an accused cannot be considered by the High Court in exercise of its jurisdiction under Section 482 of the Cr.P.C. which corresponds to Section 528 of the B.N.S.S., 2023. It is also a settled principle of law which has been reiterated by the Hon'ble Supreme Court of India in the Case of ***State of Uttar Pradesh & Another versus Akhil Sharda & Others*** reported in ***2022 SCC OnLine SC 820***, the relevant portion of which reads as under:

> *"Having gone through the impugned judgment and order passed by the High court has set aside the criminal proceedings in exercise of powers under Section 482 CrPC, it appears that the*

High Court has virtually conducted a mini trial, which as such is not permissible at this stage and while deciding the application under Section 482CrPC. As observed and held by this court in a catena of decisions, no mini trial can be conducted by the High Court in exercise of power under Section 482CrPC, jurisdiction and at the stage of deciding the application under Section 482CrPC, the High Court cannot get into appreciation of evidence of the particular case being considering. (Emphasis supplied)"

7. Now coming to the facts of the case, the only contention of the petitioner is that the allegation against the petitioner is false. The same at best is a defence which can be taken by the petitioner during the course of trial. Under such circumstances, this Court do not find any illegality in the impugned order warranting interference of this Court in exercise of its power under Section 528 of the B.N.S.S., 2023.

8. Accordingly, this criminal miscellaneous petition being without any merit is dismissed.

(Anil Kumar Choudhary, J.)

High Court of Jharkhand, Ranchi
Dated the 08th September, 2026
AFR/ Amar

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