IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No.3210 of 2024

Ved Prakash Kashyap, Aged about – 51 years, S/o Sikandar Ram Kashyap, R/o Lobin Bagan, Road No. 2, Dak Bangla Road, Khunti, P.O. + P.S. + District – Khunti, Jharkhand.

… Petitioner

Versus

1. The State of Jharkhand
2. Peter Mundu, Son of Late Lawrence Mundu, Resident of Amritpur, P.O. + P.S. + District – Khunti, Jharkhand.

… Opposite Parties

For the Petitioners : Mr. Anil Kumar, Sr. Advocate
Ms. Chandana Kumari, Advocate
Mr. Prabhar Kr. Singh, Advocate
Mr. Atul Gera, Advocate
For the State : Mr. Arup Kr. Dey, Addl.P.P.
For the O.P. No.2 : Md. Hatim, Advocate
Md. Faisal Khan, Advocate
Md. Mokhtar Khan, Advocate

P R E S E N T

HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

By the Court:-

I.A. No. 13673 of 2026

1. Heard the parties.

2. Learned senior counsel for the petitioner submits that this interlocutory application has been filed for early hearing of this Criminal Miscellaneous Petition.
3. Since the hearing of this Criminal Miscellaneous Petition is being taken up today, hence, this interlocutory application is disposed of being infructuous.

(Anil Kumar Choudhary, J.)

Cr.M.P. No.3210 of 2024

1. Heard the parties.
2. This Criminal Miscellaneous Petition has been filed invoking the jurisdiction of this Court under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 with the prayer to quash the entire criminal proceedings including the order taking cognizance dated 07.06.2023 passed by the learned Chief Judicial Magistrate, Khunti in connection with G.R. Case No. 293 of 2023 arising out of Khunti P.S. Case No. 62 of 2019 whereby and where under the learned Chief Judicial Magistrate, Khunti has taken cognizance of the offences punishable under Sections 171F & 171G of the Indian Penal Code and under Sections 66C & 66D of the Information Technology Act, 2000 and prayer has also been made to quash the order dated 31.10.2025 passed in the said case whereby and where under the learned Chief Judicial Magistrate, Khunti has

framed charges for the said offences *inter alia* against the petitioner.

3. The allegation against the petitioner is that the SIM Card owned by the petitioner was used in responding to the posting made by the co-accused Saurav Kumar Sahu, in which Saurav Kumar Sahu posted a letter purported to have been written by Kalicharan Munda; of whom, the informant claims to be the election agent, in which it was mentioned that Kalicharan Munda addressed a letter to the Archbishop of Archdioceses, Ranchi in which Kalicharan Munda has expressed his gratitude to the Archbishop for the decision of the Christian Community not to vote for the new political party and the same will be profitable for Kalicharan Munda and has further promised that if the Christian Community decides to vote in large number in favour of Kalicharana Munda in Lok Sabha Election, then, he assured that 75% of the M.P. Fund shall be spent for the society. The only allegation against the petitioner is that the SIM Card, of which the petitioner is the owner, was used to respond to the said posting made by the co-accused wherein it has been mentioned that "Now there is still time to think and understand and a question has been put that since the Congress Candidate – Kalicharan Munda to get the votes of the Christian Community, has stated to give 75% of M.P. Fund, then where the rest we Hindu will go?"

4. On the basis of the written report submitted by the informant, police registered Khunti P.S. Case No. 62 of 2019, took up investigation of the case and after completion of the investigation, submitted charge sheet and basing upon which, the learned Chief Judicial Magistrate, Khunti has framed charges for the said offences as already indicated above.

5. Learned senior counsel for the petitioner submits that as of now, no witness has been examined by the trial court. It is next submitted that none of the offences in respect of which cognizance has been taken and charges has been framed, is made out against the petitioner even if the entire allegations made against the petitioner are considered to be true in their entirety.

6. Drawing the attention of this Court to Section 171-F of the Indian Penal Code, the learned senior counsel for the petitioner submits that the same provides for punishment of any person committing undue influence or personation at an election. It is then submitted that Section 171-C of the Indian Penal Code deals with, what amounts to undue influence at an election and the essential ingredient to constitute the same is threatening any candidate or voter or any person in whom a candidate or voter is interested, with injury of any kind, or inducing or attempting to induce candidate or voter to believe that he or any person in whom he is interested will become or will be

rendered an object of divine displeasure or of spiritual censure. It is further submitted that there is absolutely no allegation against the petitioner of indulging in any undue influence or personation and in the absence of the same, the offence punishable under Section 171-F of the Indian Penal Code is not made out against the petitioner.

7. So far as the offence punishable under Section 171-G of the Indian Penal Code is concerned, it is submitted by the learned senior counsel for the petitioner that *sine-qua-non* to constitute the said offence is that the accused must make or publish any statement purporting to be statement of fact which is false and which he either knows or believes to be false or does not believe to be true. Learned senior counsel for the petitioner next submits that in this case, the making or publishing of the statement purported to be a statement of fact which claimed to be false, was made by the co-accused Saurav Kumar Sahu and there is no allegation against the petitioner of making or publishing any statement purported to be a statement of fact which is false and in the absence of the same, the offence punishable under Section 171-G of the Indian Penal Code is not made out against the petitioner.

8. Drawing the attention of this Court to Section 66-C of the Information Technology Act, 2000, it is submitted by the learned senior counsel for the petitioner that the essential

ingredients to constitute the said offence is that 'the accused person must fraudulently or dishonestly make use of electronic signature, password or any other unique identification feature of any other person'. It is next submitted that in this case, there is no allegation against the petitioner of dishonestly making use of electronic signature, password or any other unique identification feature of any other person; and in the absence of the same, the offence punishable under Section 66-C of the Information Technology Act, 2000 is not made out against the petitioner.

9. Drawing the attention of this Court to Section 66-D of the Information Technology Act, 2000, it is submitted by the learned senior counsel for the petitioner that the same provides for cheating by personation by using any communication device or computer resources. Also drawing the attention of this Court to Section 416 of the Indian Penal Code, it is next submitted by the learned senior counsel for the petitioner that Section 416 of the Indian Penal Code deals with cheating by personation and for that, the accused must pretend to be some other person or by knowingly substituting one person for another, or representing that he or any other person is a person other than he or such other person really is. It is further submitted that there is absolutely no allegation against the petitioner that he has cheated by pretending to be some other

person or by knowingly substituting one person for another, or representing that he or any other person is a person, other than he or such other person really is; and in the absence of the same, the offence punishable under Section 66-D of the Information Technology Act, 2000 is not made out against the petitioner. It is lastly submitted that the prayer as prayed for in this Criminal Miscellaneous Petition be allowed.

10. Learned Addl.P.P. appearing for the State and the learned counsel for the opposite party No.2 on the other hand vehemently oppose the prayer of the petitioner made in this Criminal Miscellaneous Petition and submit that all the witnesses have supported the allegations made in the First Information Report. It is next submitted that the signature of Kalicharan Munda in the message posted by the co-accused Saurav Kumar Sahu, was false and fabricated and the petitioner using his own SIM Number, circulated the materials, which are derogatory, with a view to influence the voters. It is further submitted that the offences in respect of which both the cognizance has been taken and the charges has been framed, are, in fact, being made out *inter alia* against the petitioner. Hence, it is submitted that this Criminal Miscellaneous Petition, being without any merit, be dismissed.

11. Having heard the rival submissions made at the Bar and after carefully going through the materials available in the record, it

is pertinent to mention here that so far as the offence punishable under Section 171-F of the Indian Penal Code is concerned, the essential ingredients to constitute the said offence are as under: -

(i) The accused interfered or attempted to interfere with free exercise of right of voting or any electorate;

(ii) The accused did it voluntarily.

And for personation at an election, the ingredients of the offence are as under:-

(i) The accused applied for a voting paper;

(ii) The accused voted for any other person who is dead or alive;

(iii) The accused voted under a fictitious name;

(iv) Having once voted the accused again applied for a voting paper for the second time at the same election;

(v) The accused procured or attempted to procure vote by any person in any of the ways mentioned under serial Nos.(i) to (iii) as above.

12. Now coming to the facts of the case, there is neither any allegation against the petitioner of undue influence or personation at an election. The only allegation against the petitioner is that he responded to a message posted by the co-accused Saurav Kumar Sahu. Under such circumstances, this Court is of the considered view that even if the entire allegations made against the petitioner are considered to be true in their entirety, still the offence punishable under Section

171-F of the Indian Penal Code is not made out against the petitioner.

13. So far as the offence punishable under Section 171-G of the Indian Penal Code is concerned, the essential ingredients to constitute the said offence are as under:-

(i) An election was impending;
(ii) The accused made or published a statement relating to the personal character and conduct or any candidate;
(iii) Such statement was false to the knowledge of the accused or the accused believed that it was false or that he did not believe it to be true;
(iv) The accused published the statement with intent to affect the result of the election.

14. Now coming to the facts of the case, there is absolutely no allegation against the petitioner of publishing any statement. The only allegation against the petitioner is that he responded to the posting made by the co-accused Saurav Kumar Sahu. In his response believing what the co-accused person posted to be true, the petitioner has raised a question that if Kalicharan Munda gives 75% of M.P. Fund to the Christian Community, then, where the rest of the Hindu community will go. So, this, in the considered opinion of this Court, is insufficient to constitute the offence punishable under Section 171-G of the Indian Penal Code.

15. So far as the offence punishable under Section 66-C of the Information Technology Act, 2000 is concerned, the essential ingredients to constitute the said offence are as under:-

    (i) The accused fraudulently or dishonestly made use of the
        i. electronic signature,
        ii. password or any other unique identification feature of any other person

16. Now coming to the facts of the case, there is no allegation against the petitioner of making use of any electronic signature, password or any other unique identification feature of any other person and in the absence of the same, this Court is of the considered view that even if the entire allegations made against the petitioner are considered to be true in their entirety, still the offence punishable under Section 66-C of the Information Technology Act, 2000 is not made against the petitioner.

17. So far as the offence punishable under Section 66-D of the Information Technology Act, 2000 is concerned, the essential ingredients to constitute the said offence are as under: -

    (i) The accused by means for any communication device of a computer resources –
    (ii) Cheats by personation;

    And to constitute the offence of cheating by personation, the essential ingredients are as under: -

    (i) The accused pretends to be some other person;
    (ii) The accused knowingly substituting one person for another;

(iii) The accused representing that he or any other person is a person other than he or such other person really is.

18. Now coming to the facts of the case, there is absolutely no allegation against the petitioner of personating himself for someone else or facilitating the same and in the absence of any cheating by personation, this Court is of the considered view that even if the entire allegations made against the petitioner are considered to be true in their entirety, still the offence punishable under Section 66-D of the Information Technology Act, 2000 is not made against the petitioner.

19. In view of the discussions made above, as none of the offences in respect of which cognizance of the offences has been taken and the charges has been framed is made out against the petitioner even if the entire allegations made against the petitioner are considered to be true in their entirety, hence, this Court is of the considered view that the continuation of the criminal proceeding against the petitioner will amount to abuse of process of law. Therefore, this is a fit case where the entire criminal proceedings including the order taking cognizance dated 07.06.2023 as well as the order framing charge dated 31.10.2025 both passed by the learned Chief Judicial Magistrate, Khunti in connection with G.R. Case No. 293 of 2023 arising out

of Khunti P.S. Case No. 62 of 2019, be quashed and set aside *qua* the petitioner only.

20. Accordingly, the entire criminal proceedings including the order taking cognizance dated 07.06.2023 as well as the order framing charge dated 31.10.2025 both passed by the learned Chief Judicial Magistrate, Khunti in connection with G.R. Case No. 293 of 2023 arising out of Khunti P.S. Case No. 62 of 2019, is quashed and set aside *qua* the petitioner only.

21. In the result, this Criminal Miscellaneous Petition is allowed.

(Anil Kumar Choudhary, J.)

High Court of Jharkhand, Ranchi
Dated the 24th of September, 2026
AFR/ Saroj

Uploaded on 29/09/2026