
(2023) 08 JH CK 0062

Jharkhand High Court

Case No: Writ Petition (Criminal) No. 465 Of 2023

Saurabh Pandey

APPELLANT

Vs

State Of Jharkhand
And Others

RESPONDENT

Date of Decision: Aug. 22, 2023

Acts Referred:

- Constitution Of India, 1950 - Article 20(2)
- Indian Penal Code, 1860 - Section 193, 199, 200, 419, 420, 406, 467, 468, 471
- Code Of Criminal Procedure, 1973 - Section 300

Hon'ble Judges: Sanjay Kumar Dwivedi, J

Bench: Single Bench

Advocate: Bharat Kumar, Anuj Kumar Trivedi

Final Decision: Allowed

Judgement

Sanjay Kumar Dwivedi, J

1. Heard Mr. Bharat Kumar, the learned counsel appearing on behalf of the petitioner and Mr. Anuj Kumar Trivedi, the learned counsel appearing on

behalf of the respondent State.

2. This petition has been filed for quashing of the FIR in connection Pandu P.S. Case No. 40 of 2022 registered on 29.7.2022 at 17.24 hours for the

offence under sections 419, 420, 406, 467, 468, 471, 193, 199, 200 of the I.P.C. on the ground that for the same occurrence, the Dhurwa P.S. Case

No. 199 of 2022 was already registered at 5.10 p.m. and pending before the learned Judicial Magistrate, First Class, Ranchi and Pandu P.S. Case No.

No.40 of 2022 is pending before Judicial Magistrate, First Class, at Palamau.

3. Mr. Bharat Kumar, the learned counsel appearing for the petitioner submits that Dhurwa P.S.Case No.199 of 2022 was registered alleging therein

that on written report of one Kumar Chandan MIS Officer Higher and Technical Education Department dated 29.7.2022, alleging that Civil Services

Examination 2021, the High and Technical Education Department asked the Deputy Commissioners of all the District to provide the list of successful

candidate. The name Kumar Saurabh was forwarded by the Palamau District showing him to be successful with rank of 357, Roll no.7912001. That

on the information so provided all the successful candidates were contacted and were invited by sending invitation card. On 26.07.2022 the successful

candidates were felicitated along with their family by the Hon'ble Chief Minister. However, later on one Kumar Saurabh from Uttar Pradesh

informed that he was successful candidate with rank no.357 and provided documents in support of it and informed that the candidate from Palamau

was a fraud. It came to their knowledge that the petitioner had informed the local media that he had succeeded in the CSE with 357 rank.

4. He further submits that Pandu P.S.Case No.40 of 2022 was registered on the same day on 27.7.2022 at 17.24 p.m. and the allegations are made as

under:

That subsequently on the same day another FIR being Pandu PS Case No.40 of 2022 was lodged on 29.07.2022 at about 17.24 hours for offence

under sections 419/ 420/ 406/ 467/ 468/ 471/ 193/ 199 and 200 of IPC by the Block Development Officer, Pandu, alleging in brief that the petitioner

who claimed to have passed the civil services examination with 357 rank was not the real successful candidate rather the successful candidate was a

resident of Uttar Pradesh. That the petitioner posing as a different person received award from the Chief Minister in a felicitation thus committed

forgery against the Government of Jharkhand. The FIR was lodged on the oral order of the Deputy Commissioner, Palamau.

5. He submits that for the same allegation, both the cases are registered, however, the case registered at Ranchi was earlier one. He submits that in

view of provisions made in the Code of Criminal Procedure as well as the Constitution of India, the two cases are abuse of process of law for the same offence.

6. Mr. Trivedi, the learned counsel appearing on behalf of the respondent State submits that two cases are there and he has not been able to distinguish the allegations made in both the cases.

7. In view of the above submission of the learned counsel for the parties, the Court has gone through the contents of both the FIRs and finds that for

the same allegation, both the cases were registered on 29.7.2022, however, the case at Ranchi was registered at 5.10 p.m. whereas the case at Pandu

P.S. was registered at 5.24 p.m. It is well settled that for the same case action of two cases are barred under section 300 Cr.P.C as well as under

Article 20(2) of the Constitution of India.

8. In view of the above, so far as it relates with regard to Pandu P.S. Case No.40 of 2022 is concerned, this F.I.R is quashed and this petition stands allowed in the above terms.

9. It is made clear that this Court has not interfered with regard to Dhurwa P.S. Case No.199 of 2022 in which the investigation shall proceed in accordance with law.