

**IN THE HIGH COURT OF JHARKHAND AT RANCHI**

**Cr. Revision No. 841 of 2018**

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Manoj Kumar Singh, aged about 48 years, S/o-Akhileshwar Prasad Singh, Resident of Bekarbandh Manoram, P.O., P.S. and District-Dhanbad ..... Petitioner

**Versus**

1. The State of Jharkhand
  2. Jitendra Sharma, S/o-Late Ram Krishna Sharma, R/o-Punjabi Mohala, P.O., P.S.-Katrass, District-Dhanbad
- .... Opp. Parties

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For the Petitioner : Mr. Shailesh Kumar Singh, Advocate  
For the State : Mr. P.K. Chatterjee, Spl.P.P.

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**PRESENT**

**CORAM: HON'BLE MR. JUSTICE PRADEEP KUMAR SRIVASTAVA**  
**ORDERS**

**CAV On 17/03/2026**

**Pronounce On 07/05/2026**

1. Heard Mr. Shailesh Kumar Singh, learned counsel for the appellant and learned Spl.P.P.
2. The instant criminal revision is directed against the order dated 05.06.2018 passed by learned court of SDJM, Dhanbad in connection with G.R. Case No.2785 of 2008 arising out of Katrass P.S. Case No.257 of 2008, whereby and whereunder an application under section 239 of Cr.P.C. for discharge of the petitioner has been dismissed and the petitioner was directed to be present on the next date for framing of the charges under sections 417 and 120B of IPC.

**Factual Matrix**

3. Factual Matrix of this case is that on 16.09.2008, one Jeetendra Sharma of Punjabi Mohalla, Katrass lodged a written report
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before Officer-in-Charge, Katras stating inter alia that the informant was engaged in transportation business and purchased a ten wheelers Ashok Leyland Hywa by Ashok Leyland Finance Company on monthly installments. It is alleged that in course of business, the informant contacted with one Pritam Kumar Srivastava, who introduced him (informant) with two persons including the present petitioner as transporters. It is further alleged that the above persons assured the informant that if he hands over his vehicle to them for transportation work, they would pay Rs.55,000/- per month apart from maintenance of the vehicle and salary to the driver and cleaner. The informant was convinced and on 10.10.2007, an agreement was executed for letting out the vehicle for 12 months on receiving of Rs.30,000/- as advance. It is further alleged that just after lapse of one month, no installment was paid to the informant in spite of demand and further three months also passed. Therefore, the informant failed to deposit the monthly installments to the financier. It is further alleged that the informant also searched the vehicle but no clue was found and it was suspected that the accused persons had dishonestly misappropriated his vehicle.

On the basis of above information, FIR was lodged for the offences under sections 420, 406, 120B, 504 and 34 of IPC against the present petitioner and other co-accused, Pritam

Kumar Srivastava and Rajesh Kumar Singh. After investigation, charge-sheet was also submitted for the aforesaid offences.

4. Learned trial court took cognizance for the aforesaid offences on 30.09.2010.
5. The petitioner appeared and filed an application under section 239 of Cr.P.C. for discharge, which was dismissed vide order dated 08.10.2015.
6. The present petitioner has earlier assailed the order dated 08.10.2015 before this Court preferring Cr. Rev. No.09 of 2016, which was allowed vide order dated 12.02.2018 and the matter was remitted back before the court below to pass a fresh order. After receipt of the order passed by the Hon'ble High Court, the discharge petition filed by the petitioner was again heard and dismissed vide impugned order dated 05.06.2018.

**Submission on behalf of Petitioner**

7. Learned counsel for the petitioner assailing the impugned order has stoutly argued that as per the agreement with the informant, which is the part of the FIR, the same is in between Jeetendra Kumar Sharma(informant) as first party and Rajesh Kumar Singh (second party). There is no whisper of the name of the present petitioner owing any responsibility on the basis of agreement and he is neither signatory nor even witness in the said agreement. The petitioner was involved in this case

only because he happens to be brother of Rajesh Kumar Singh, who entered into the aforesaid agreement with the informant. It is further submitted that in the revisional order passed by Hon'ble High Court vide order dated 12.02.2018 in Cr. Rev. No.09 of 2016, there was specific observation of this Court that "learned court below has merely referred to the allegation made in the First Information Report but has neither considered the agreement in its proper perspective nor the legal notice which is a part of the First Information Report and which was issued to Rajesh Kumar Singh. The impugned order dated 08.10.2015 therefore does not suggest the culpability of the petitioner in the commission of the offence as there is no discussion based on the materials available on record to suggest so". Therefore, the order dated 08.10.2015 was set aside with aforesaid observation. It is further submitted that after remand, the learned trial court has committed the same illegality while passing the impugned order. Learned court below has simply observed that one Pritam Kumar Srivastava has introduced the petitioner along with his brother as transporter and thereafter the alleged agreement was executed wherein the involvement of the present petitioner was also shown by the informant. Evidently, no specific role of the petitioner while entering into agreement or default in payment of agreed amount or any money transaction with the petitioner

has been found during investigation. Learned trial court has failed to properly consider the observation made by the Hon'ble Court in the earlier revisional order dated 12.02.2018 passed in Cr. Rev. No.09 of 2016. Therefore, the impugned order is fit to be set aside, allowing this revision application.

**Submission on behalf of State**

8. On the other hand, learned Spl.P.P. has vehemently opposed the contentions raised on behalf of the petitioner and submitted that there is no illegality and infirmity in the impugned order, hence, this revision is fit to be dismissed.

**Analysis, Reasons and Decision**

9. I have considered the rival contentions of the parties and also perused the impugned order.
10. It is crystal clear from the impugned order that the learned Trial Court has simply relied upon the fact that at the house of the informant, the present petitioner, his brother and one Pritam Kumar Srivastava came and terms and conditions to ply the truck by the second party to the agreement was discussed. Except the aforesaid fact, there is no incriminating material against the present petitioner, which was also observed by this Court on the earlier revision application filed by the petitioner against the rejection of his discharge application. It appears that the learned trial court has not properly appreciated the materials available against the

present petitioner. Admittedly, he is neither party to the agreement nor he has undertaken any responsibility under the agreement and also he was not guarantor or in any manner concerned with the said agreement between informant and the main accused. Therefore, it is very surprising as to how the learned trial court finds sufficient grounds for proceedings against the present petitioner.

11. In view of the above facts and circumstances, the impugned order is hereby set aside and this revision is **allowed**. Accordingly, the matter is remitted back to the concerned trial court to re-hear the application of discharge and pass an appropriate order in accordance with law in strict compliance of observations made by this Court.
12. Interim order, if earlier passed in this case, shall stand vacated.
13. Pending I.A(s), if any, is also disposed of accordingly.
14. Let the copy of this order be sent to the concerned trial court forthwith for information and needful.

**(Pradeep Kumar Srivastava, J.)**

*High court of Jharkhand, Ranchi*

*Date: 07/05/2026*

*Pappu/- N.A.F.R.*

*Uploaded on: -07/05/2026*