

IN THE HIGH COURT OF JHARKHAND AT RANCHI**W.P.(S) No. 1657 of 2026**

Prashant Prasad, aged about 33 years, son of Ram Janam Prasad, resident of Indrapuri Road No.1, Near Raja General Store, Ratu Road, Hehal, P.O. Hehal, P.S. Sukhdeonagar, District Ranchi, Jharkhand. Petitioner

Versus

1. The State of Jharkhand, through the Principal Secretary, Department of Home, Disaster Management, Government of Jharkhand, having its office at H.E.C., Dhurwa, P.O. Dhurwa, P.S. Dhurwa, District Ranchi, Jharkhand.
 2. Director General of Police, having its office at H.E.C., Dhurwa, P.O. Dhurwa, P.S. Dhurwa, District Ranchi, Jharkhand.
 3. Deputy Inspector General of Police, Kolhan Division, Chaibasa, P.O. & P.S. Chaibasa, District West Singhbhum, Jharkhand.
 4. Superintendent of Police, C.T.C., Swaspur, Musabani having its office at Musabani, P.O. & P.S. Musabani, District East Singhbhum, Jharkhand.
 5. Deputy Superintendent of Police, C.T.C., Swaspur, Musabani having its office at Musabani, P.O. & P.S. Musabani, District East Singhbhum, Jharkhand.
- Respondents

CORAM : HON'BLE MR. JUSTICE DEEPAK ROSHAN

For the Petitioner : Mr. Indrajit Sinha, Advocate
: Mr. Arpan Mishra, Advocate
For the Res.-State : Mr. Rakesh Roy, AC to GA-III

CAV on 16.04.2026

Pronounced on: 29/04/2026

The instant writ application has been preferred by the petitioner for the following relief:-

(i) For issuance of an appropriate writ(s)/order(s)/ direction(s) in the nature of certiorari for quashing the order as contained in Memo No. 326 dated 01.09.2025 (Annexure-3) issued under the signature of Superintendent of Police, C.T.C., Swaspur, Musabani, whereby and whereunder a punishment of withholding of one annual increment equivalent to two Black mark has been inflicted upon the petitioner.

(ii) For issuance of an appropriate writ(s)/order(s)/ direction(s) in the nature of certiorari for quashing of the Appellate Order as contained in Memo No. 49 dated 11.01.2026 (Annexure-4) issued under the signature of Deputy Inspector General of Police, Kolhan Area, Chaibasa, whereby and

whereunder the Appeal preferred by the petitioner has been rejected.

2. Briefly stated, the petitioner was appointed on the post of Sub-Inspector on 06.08.2018. The petitioner is currently posted as Sub-Inspector-cum-Officer-in-Charge, Chhatarpur Police Station, District Palamau. The petitioner was served with a Charge Memo dated 11.11.2023 issued under the signature of the Superintendent of Police, CTC, Swaspur, Musabani. The charges levelled against the petitioner in the Departmental Proceeding were as follows: -

(a) The confessional statement of the accused namely Aman Sao was not recorded through Video mode on 31.05.2023 in connection with Balumath (Latehar) P.S. Case No. 30 of 2023 dated 19.02.2023.

(b) The confessional statement of the accused namely Aman Sao was leaked in the media and the same was published in the Daily Newspaper.

(c) The name of the Builder and the Political Leader namely Ramesh Singh has been included in the confessional statement of Aman Sao.

(d) The inclusion of the name of Ramesh Singh in the confessional statement of the accused namely Aman Sao has tarnished the image of Ramesh Singh and the same has been done at the instance of one contractor namely Kripa Shankar Singh.

(e) The confessional statement of Aman Sao was not recorded through Video Recording just to include the name of Ramesh Singh in the confessional statement of Aman Sao.

3. It has been submitted by Mr. Indrajit Sinha, Ld. Counsel for the petitioner that under Cr.P.C./Indian Evidence Act, 1872 there is no provision that the confessional statement of the accused has to be recorded through Video mode. The confessional statement was recorded on 31.05.2023 when Cr.P.C./Indian Evidence Act, 1872 was applicable and in absence of any procedural laws, there is no mandate for recording the confessional statement of the accused through Video mode and therefore, the first charge is not made out against the petitioner.

So far as to the charge with respect to leaking of the confessional statement of the accused is

concerned; there is no evidence in enquiry report to suggest that the same has been leaked by the petitioner.

With respect to the charges regarding tarnishing of the image of the political leader namely Ramesh Singh is concerned; there is no evidence in the enquiry report to suggest the said fact.

So far as the charges with respect to leaking the confessional statement in the media at the instance of the contractor namely Kripa Shankar Singh is concerned; there is no evidence in the enquiry report to suggest that the petitioner is known to Kripa Shankar Singh.

4. Ld. Counsel contended that in absence of any materials in the enquiry report the findings arrived by the Inquiry Officer and the Disciplinary Authority is perverse and further the petitioner has unblemished service record.

5. In response, Mr. Rakesh Roy, AC to GA-III, Ld. Counsel for the respondents has submitted that there is no infirmity in the Order of punishment and the Appellate Order under challenge. The punishment order has been passed after going through the entire evidence and finding the reply of the petitioner to be unsatisfactory and the Appellate authority has passed the order after perusing the entire evidence on record.

6. Having heard Ld. Counsel for the parties and after going through the documents available on record, it appears that after coming into force of Bharatiya Nagarik Suraksha Sanhita, 2023 (B.N.S.S.) on 01.07.2024; it was imperative on the part of the Police Officer to record search and seizure through audio-video electronic means under section 105 of the B.N.S.S., 2023. Further, under section 180 of the B.N.S.S., 2023 the examination of the

witnesses has to be recorded through Audio-Video electronic means.

The recording of confessions and statements made before the Magistrate under section 183 of the B.N.S.S., 2023 has to be done through audio-visual recording.

7. In the instant case, the confessional statement of the accused namely Aman Sao was recorded on 31.05.2023 and at that relevant point of time the procedural laws which were applicable was Code of Criminal Procedure and Indian Evidence Act, 1872.

There is no mandate in the Cr.P.C. and Indian Evidence Act, 1872 that the confessional statement of the accused has to be recorded through Video mode.

8. Thus, it is evident that at the relevant time; there is no procedural laws or any Statute to mandate that the confessional statement of the accused has to be recorded through audio-visual mode and therefore, so far as the charges No. 1 and 5 with respect to recording of the confessional statement is concerned; the same is not established against the petitioner

9. So far as the charges with respect to leaking of the confessional statement of the accused in the media is concerned; the statement was recorded in presence of the Investigating Officer namely Prem Kumar Nishad and other persons and further on perusal of the entire evidence including the statement of the witnesses; there is no materials to suggest that the petitioner has only leaked the confessional statement of the accused in the media. The *Inquiry Officer* and the *Disciplinary Authority* have proceeded on the basis of suspicion.

10. It is well established that suspicion, howsoever strong it may be, cannot take the place of proof.

11. So far as the charges with respect to tarnishing of the image of the political leader namely Ramesh Singh is concerned; the accused namely Aman Sao has given the statement and thereafter has voluntarily signed the same and there is no evidence to suggest that the petitioner has tarnished the image.

The charges with respect to the fact that the same was done at the instance of one contractor namely Kripa Shankar Singh. The findings arrived in the Enquiry Report is concerned; there is no materials to suggest that the petitioner is known to Kripa Shankar Singh and Ramesh Singh.

12. The Hon'ble Supreme Court of India in the case of ***United Bank of India Versus Biswanath Bhattacharjee*** reported in ***(2022) 13 SCC 329*** has held that where a public servant is punished for misconduct after a departmental enquiry is conducted, a clear case where interference under Article 226 of the Constitution of India is warranted; when there is no evidence to establish the official guilt and in cases of no evidence the powers of judicial review can be resorted to.

13. In view of the aforesaid facts, and after going through the Enquiry Report, the order of Disciplinary Authority and the Appellate Authority, this Court holds that there is no evidence to establish the charges and in absence of the same, the findings arrived by the Inquiry Officer is perverse.

Further, as stated hereinabove, the charges No. 1 and 5 with respect to recording of the confessional statement levelled against the petitioner have no clear statutory basis and therefore, the same are non-est in the eye of law. The petitioner has unblemished service record.

14. As a cumulative facts and circumstances, the punishment order as contained in Memo No. 326 dated 01.09.2025 (Annexure-3), issued under the signature of Superintendent of Police, CTC, Swaspur, Musabani and the Appellate Order as contained in Memo No. 49 dated 11.01.2026 (Annexure-4), issued under the signature of Deputy Inspector General of Police, Kolhan Area, Chaibasa, are hereby, quashed and set-aside.

Accordingly, the respondents are directed to extend the consequential benefits to the petitioner within a period of 6 weeks from the date of receipt/production of a copy of this order.

15. As a result, the instant writ application stands allowed. Pending I.A.s if any, also stands closed.

(Deepak Roshan, J.)

April 29, 2026
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