

IN THE HIGH COURT OF JHARKHAND AT RANCHI

Cr.M.P. No. 1814 of 2020

Advocates' Association (Regd.), Jharkhand High Court through its General Secretary namely Navin Kumar, aged about 47 yrs, S/o Late Kapildeo Prasad Sinha, R/o Qr. No. 3k/89, Bariyatu Housing Colony, P.O. & P.S. Bariyatu, District-Ranchi, State-Jharkhand.

... .. Petitioner

Versus

The State of Jharkhand.

.....Opposite Party

**CORAM: HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE SUJIT NARAYAN PRASAD
HON'BLE MR. JUSTICE RAJESH SHANKAR**

For the Petitioner : Mrs. Ritu Kumar, Advocate
Mr. Dheeraj Kumar, Advocate
For the Opp. Party : Mr. Prabir Kumar Chatterjee, Spl. PP.

ORAL ORDER

14/Dated 22nd March, 2022

1. The instant criminal miscellaneous petition has been registered on a petition filed on behalf of the petitioner, namely, Advocates' Association (Regd.), Jharkhand High Court through its General Secretary namely Navin Kumar for modification of the direction given by a Bench of this Court in Criminal Misc. No. 756 of 1998 (R) and 1120 of 1998 (R).
2. By virtue of the aforesaid order, the co-ordinate Bench had directed the Registrar to give a direction to the Stamp Reporters' Section, specially, in bail matter that if a bail petition is filed with an affidavit which was sworn prior to one week than the date of filing of the bail petition, such bail petition should be registered after swearing of a fresh.
3. Such occasion has arisen due to first surge of COVID-19 in the year 2020 as the applications are filed in the drop box and some time is being consumed to sanitize the files and place it before the Stamp

Reporter, the time period of one week is lapsing and the stamp reporter is pointing out the defect directing to file a fresh affidavit and as such, the advocates are facing difficulty, hence, the order needs modification.

4. The learned Single Judge of this Court vide order dated 15.09.2020 has referred the matter before the Division Bench of this Court with the approval of the Chief Justice since in the criminal jurisdiction there is no power to review an order.
5. Accordingly, the matter was placed before the Division Bench and the Division Bench passed interim order on 19.10.2020 which was extended time to time as would appear from orders dated 04.01.2021, 02.02.2021, 23.03.2021, 24.07.2021, 21.09.2021, 01.12.2021 and 10.01.2022.
6. Thereafter, the matter was referred before the Larger Bench vide order dated 12.01.2022 wherein following observations were made:

“Matter has been heard through video conferencing and there is no complaint whatsoever regarding audio and/or video quality.

Through this Interlocutory Application prayer has been made for extension of all the peremptory orders and interim orders that has been passed by the various Benches of this Court in view of the extraordinary Covid-19 pandemic situation which has again arisen not only in the State of Jharkhand but in the entire country.

In our view, this matter should be referred to a Larger Bench as it involves extension of time of various orders passed by various Division Benches also.

Accordingly, put up before the Larger Bench after its constitution.”

7. Thereafter, the Larger Bench also extended the interim order vide its orders dated 13.01.2022 and 15.02.2022.
8. In view of the fact that the pandemic situation has eased and it is contended on behalf of the Bar also that there is no requirement of further extension of interim and peremptory orders passed in different

cases by the Jharkhand High Court and its subordinate courts, we are also of the view that there is no requirement of further extending the concerned interim reliefs as well as the peremptory orders.

9. Ordered accordingly.

10. Let necessary communication be made to all the concerned in this regard.

11. Since the interim order was passed in view of the extraordinary situation which had arisen not only in the State of Jharkhand but in the entire country during COVID pandemic period and drop-box as well as e-mail filing method was also adopted which is causing delay in scrutiny of the matter, in our considered view, it is right time to discontinue with such methods.

12. Accordingly, the instant criminal miscellaneous petition stands disposed of.

13. Let the matter be placed before the Chief Justice for taking decision on administrative side.

Sd/-
(Dr. Ravi Ranjan, C.J.)

Sd/-
(Sujit Narayan Prasad, J.)

Sd. /
(Rajesh Shankar, J.)

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Secretary/Sr.P.A./P.A.

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