

**IN THE HIGH COURT OF JHARKHAND AT RANCHI**  
**Cr.M.P. No. 2956 of 2022**

M/s. Steel Authority of India Limited (R.M.D.), D.G.M. (M.M), Gua Ore Mines through its Deputy General Manager (D.G.M.), Vijay Kumar Singh, aged about 48 years, son of Ram Dhani Singh, resident of Qr. No. 1033 Behind G.G.P.S. School, Sector-V/B, P.O.-Bokaro Steel City, P.S.-Bokaro Steel City, Dist.-Bokaro (Jharkhand)

.... Petitioner

Versus

1. The State of Jharkhand
2. Inspector of Motor Vehicle cum Enforcement Authority, Chaibasa, having its office at Chaibasa, P.O.-Chaibasa, P.S.-Chaibasa, Dist.-East Singhbhum, Jharkhand

.... Opp. Parties

**P R E S E N T**

**HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY**

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|--------------------|---------------------------------|
| For the Petitioner | : Mr. Indrajit Sinha, Advocate  |
|                    | : Mr. Ajay Kr. Sah, Advocate    |
|                    | : Mr. Sagar Kumar, Advocate     |
| For the State      | : Mr. V.K. Vashistha, Spl. P.P. |

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***By the Court:-***

1. Heard the parties.
2. This criminal miscellaneous petition has been filed invoking the jurisdiction of this Court under Section 482 Cr.P.C. with a prayer to quash the entire criminal proceeding arising out of Complaint Case No.243 of 2020 including the order dated 23.12.2020 passed by the learned Chief Judicial Magistrate, Chaibasa whereby and where under, the learned court found sufficient materials on record to find

*prima facie* case under Sections 39, 192, 207, 177, 179, 187 and 196 of Motor Vehicle Act, 1988 and under Section 22 and 28 (i) of Jharkhand Motor Vehicle Taxation Act, 2001 and taken cognizance for the said offences and summons was issued citing DGM, Sail, M/s- RMD Gua Ore Mines as the main accused in the prosecution report.

3. It is submitted by the learned counsel for the petitioner that the present petition has been filed on behalf of M/s. Steel Authority of India (R.M.D.), D.G.M. (M.M.), Gua Ore Mines through its Deputy General Manager (D.G.M.). Drawing attention of this Court to supplementary affidavit dated 18.12.2023, it is submitted by the learned counsel for the petitioner that altogether 14 D.G.M. are posted in Gua Ore Mines, the details of which have been mentioned in the separate sheet but inadvertently the name and designation of D.G.M. at serial no.1 has not been mentioned. It is then submitted by the learned counsel for the petitioner that there is no legal entity in existence in the name and style of M/s R.M.D. Gua Ore Mines and after dissolution of raw material division, Gua Ore Mines is functioning under the Administrative Control of Bokoro Steel Plant, SAIL. It is further submitted by the learned counsel for the petitioner that the order taking cognizance dated 23.12.2020 has been passed in most mechanical manner against a non-existent post. It is next submitted by the learned counsel for the petitioner that the owner of the vehicle in question is M/s. Steel Authority of India Limited hence, D.G.M. Sail, R.M.D., Gua Ore Mines being a non-existent post only harassment will be caused to the officers of the Steel Authority of India posted at Gua Ore Mines, by continuation of the criminal

proceeding arising out of the complaint. It is further submitted by the learned counsel for the petitioner that the cognizance has been taken on vague allegations without any specific overt act committed by anybody. It is further submitted by the learned counsel for the petitioner that as the cognizance has been taken against a post, the same is not sustainable in law and in this respect, learned counsel for the petitioner relied upon the judgment of this Court in the case of **Santosh Kumar vs. The State of Jharkhand & Anr.** in Cr.M.P. No. 1211 of 2023 dated 28.08.2023, paragraph no. 7 of which reads as under:-

*“Having heard the submissions made at the Bar and after going through the materials in the record, this Court has no hesitation in holding that by now it is a settled principle of law that summons in a criminal case to face trial cannot be issued against positions or post as a post is not juridical person. Hence, the learned Magistrate has committed illegality by issuing summons against the “Bank Manager of IDBI Bank, Sector 4, Bokaro” by not naming the person who was responsible for the said criminal act of being instrumental in opening a forged account of the son of the complainant.”*

4. Hence, it is submitted that the entire criminal proceeding arising out of Complaint Case No.243 of 2020 including the order dated 23.12.2020 passed by the learned Chief Judicial Magistrate, Chaibasa be quashed.
5. Learned Special Public Prosecutor do not dispute the fact that there are 14 number of D.G.M. posted in Gua Ore Mines, the details of which is provided in separate sheet of supplementary affidavit and also do not dispute the fact that no legal entity is in existent under the name and style of M/s. R.M.D. Gua Ore Mines but submits that as the motor vehicle inspector could not ascertain the name of the

post holder at the relevant time under whose control the offending dumper was running hence, he could not cite the name of the post holder of D.G.M. (M.M.). Hence, it is submitted that this criminal miscellaneous petition being without any merit be dismissed.

6. Having heard the submissions made at the Bar and after going through the materials in the record, it is pertinent to mention here that by now it is a settled principle of law as has been reiterated by this Court in the case of **Santosh Kumar vs. The State of Jharkhand & Anr.** (supra) that summons in a criminal case to face trial cannot be issued against positions or post as a post is not juridical person hence, learned Chief Judicial Magistrate, West Singhbhum, Chaibasa has committed illegality by issuing summons against DGM Sail, M/s. RMD Gua Ore Mines more so when such post undisputedly does not even exist. Thus, taking cognizance by not naming any person who was responsible for the alleged criminal act is certainly not sustainable in law.
7. Under such circumstances, this Court is of the considered view that continuation of the criminal proceeding against DGM Sail, M/s. RMD Gua Ore Mines will amount to abuse of process of law and this is a fit case where the entire criminal proceeding arising out of Complaint Case No.243 of 2020 including the order dated 23.12.2020 passed by the learned Chief Judicial Magistrate, Chaibasa be quashed and set aside.
8. Accordingly, the entire criminal proceeding arising out of Complaint Case No.243 of 2020 including the order dated 23.12.2020

passed by the learned Chief Judicial Magistrate, Chaibasa is quashed and set aside.

9. In the result, this criminal miscellaneous petition is allowed.

**(Anil Kumar Choudhary, J.)**

High Court of Jharkhand, Ranchi  
Dated the 22<sup>nd</sup> April, 2024  
AFR/Sonu-Gunjan/-