

**UPON hearing the counsel the Court made the following
O R D E R**

- 1 The dispute in the present case arises out of PCR Case No 12 of 2013 filed by the second respondent against the petitioner in the Court of the Chief Judicial Magistrate, Sahibganj, Jharkhand.
- 2 The complainant was a mason to whom a contract is alleged to have been awarded in relation to the construction of the house of the petitioner. The grievance is that the payment which was due has not been made and certain shuttering equipment belonging to the complainant has been held over. A complaint case was lodged in the Court of the CJM, Sahibganj. The CJM took cognizance, recorded statements of witnesses and summoned the petitioner. The petitioner sought discharge. The application was dismissed.
- 3 After notice was issued in these proceedings on 13 September 2019, the second respondent has been served.
- 4 The second respondent has addressed a letter to the Registrar of this Court indicating that he is in a poor financial position and an indifferent state of health and that an amount of Rs 3,15,000 which is due to him may be realized so as to ensure that justice is done.
- 5 Mr Siddhartha Dave, senior counsel appears on behalf of the petitioner. Mr Tapesh Kumar Singh, Additional Advocate General appears for the State of Jharkhand.
- 6 We direct the petitioner to deposit an amount of Rs 3 lakhs before the Chief Judicial Magistrate, Sahibganj, Jharkhand in connection with PCR Case No 12 of 2013. The second respondent would be at liberty to withdraw the amount.
- 7 Having regard to the nature of the dispute, upon the payment of the above amount, nothing further would survive and further recourse to the criminal

process would not subserve the interests of justice. Hence, conditional on the amount of Rs 3 lakhs being deposited in terms of the above direction within a period of four weeks, the petitioner shall stand discharged.

- 8 A copy of the present order shall be communicated by the Registrar (Judicial) to the Chief Judicial Magistrate, Sahibganj. The Chief Judicial Magistrate shall ensure that the second respondent is furnished with intimation together with a copy of the present order so as to enable him to withdraw the amount of Rs 3 lakhs which is being deposited to his credit. The Chief Judicial Magistrate, Sahibganj shall ensure that the amount of Rs 3 lakhs is disbursed personally to the second respondent and all precautions to ensure this are observed.
- 9 The petitioner shall file proof of deposit before this Court within a period of six weeks from today conditional upon which, the order of discharge shall take effect. Failing deposit, the petitioner shall lose the benefit of this order.
- 10 The Special Leave Petition stands disposed of in the above terms.
- 11 Pending applications, if any, stand disposed of.

(CHETAN KUMAR)
A.R. -cum-P.S.

(SAROJ KUMARI GAUR)
Court Master