

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(Cr.) No. 511 of 2025

Agniva Sarkar, son of Amit Kumar Sarkar, resident of Subhadra Complex,
Raja Talab, Sahyogi Nagar, Sector-3, K.G. Ashram, P.O and P.S and District-
Dhanbad, Jharkhand. ... Petitioner(s)

Versus

1. The Union of India
2. The State of Jharkhand through the Superintendent of Police, Dhanbad.
3. Arvind Kumar Ram, working as Inspector, Railway Protection Force,
Dhanbad,
4. Kundan Kumar, Sub-inspector, working for gain at Railway Protection Force
at Dhanbad. Respondent(s)

CORAM : SRI ANANDA SEN, J.

For the Petitioner(s) : Mr. Ajay Kr. Sah, Advocate.
For the UOI : Mr. Anil Kumar, ASGI
Mr. Abhijeet Kr. Singh, CGC
Ms. Chandana Kumari, AC to ASGI.

02/25.07.2025: The defect(s), as pointed out by the office, should be removed within
two weeks.

2. This case has been listed on mentioning today by the counsel for the
petitioner. Considering the urgency and seriousness of this issue, this Court has
got his case listed today.

3. In this writ petition, the petitioner has challenged Annexure-1, which
is summon dated 24.7.2025 issued to the petitioner under the Railway Property
(Unlawful Possession) Act, 1996. By the said summon, the petitioner, who
happens to be a practicing lawyer in Civil Court, Dhanbad, has been summoned
to face an enquiry in relation to Case No. 2/2025 dated 5.2.2025 under Section 3
RP(UP) Act.

4. In the aforesaid summon, it has been mentioned that there is necessity to
make an enquiry under Section 8 of the RP(UP) Act, 1996, thus the presence of
the petitioner is necessary for recording his statement. The petitioner has been
thus directed to appear before the concerned officer on 27.7.2025 at 10:00
hours, which is Sunday.

5. Counsel for the petitioner argues that admittedly the petitioner is a
lawyer and defending three or four of the accused in the same RP(UP) Case i.e.
in case No. 2/2025. He submits that the confessional statement of one of the co-
accused, namely Shakti Bouri has been recorded and based on the said
statement, this petitioner has been summoned. He questions the propriety of the

said summons.

6. After going through the confessional statement (at page 31 of the brief) , I find that the said accused in his confessional statement has stated that this petitioner is their defence counsel and this petitioner being a counsel is representing them in bail application and this petitioner has assured them to continue with their activities, as he will save them. On this material, this petitioner has been summoned for enquiry.

7. Summoning of an Advocate, who is defending the accused, by the Investigating Officer, who is investigating the crime, is really disturbing. Any communication between an Advocate and his client, no matter what is the status of his client, is a privileged communication. Whatever he has communicated with the accused, cannot be forced to be divulged before any Investigating Officer. Thus, *prima facie*, this Court feels that only to know the details of the privileged communication, this summon has been issued. This is unfortunate.

8. Since, this case has been taken up today for the first time and that too, on urgent basis, I direct the Railway Protection Force Authorities to file counter affidavit.

9. Since ASGI is present in Court, he is requested to appear in this case on behalf of the respondents. The respondents are directed to file counter affidavit within four weeks.

10. List this case on **10th September, 2025**.

11. In the meantime, by way of interim measure, the impugned notice dated 24.7.2025, issued by respondent No. 3, will remain stayed.

12. It is also made clear that respondents will not issue any further notice of similar nature to the petitioner till disposal of this petition.