

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No.1940 of 2024

Shahnaj Khatun @ Sainaj Khatun aged about 41 years, W/o Munna
Ansari, R/o Village Jabardaha, P.O. + P.S. Hiranpur, District Pakur
(Jharkhand) ... Petitioner

Versus

The State of Jharkhand ... Respondent

Coram: HON'BLE MR. JUSTICE PRADEEP KUMAR SRIVASTAVA

For the Appellant : Md. Asadul Haque, Adv.
For the State : Mr. Fahad Allam, Addl. P.P.

Order No.05/Dated- 20.12.2024

Heard learned counsel for the parties.

This criminal miscellaneous petition has been filed with a prayer to enlarge the petitioner on anticipatory bail by making modification in the order dated 19.03.2024 passed by this Court in A.B.A No.4956 of 2023, whereby the anticipatory bail application of the petitioner has been rejected.

Hon'ble Apex Court in the case of *Misc. Application No.1572 of 2021 (Supertech Limited v. Emerald Court Owner Resident Welfare Association & Ors.)* dated 04.10.2021 held in para 12 as under:

“12. The hallmark of a judicial pronouncement is its stability and finality. Judicial verdicts are not like sand dunes which are subject to the vagaries of wind and weather. A disturbing trend has emerged in this court of repeated applications, styled as Miscellaneous Applications, being filed after a final judgment has been pronounced. Such a practice has no legal foundation and must be firmly discouraged. It reduces litigation to a gambit. Miscellaneous Applications are becoming a preferred course to those with resources to pursue strategies to avoid compliance with judicial decisions. A judicial pronouncement cannot be subject to modification once the judgment has been pronounced, by filing a

miscellaneous application. Filing of a miscellaneous application seeking modification/clarification of a judgment is not envisaged in law. Further, it is a settled legal principle that one cannot do indirectly what one cannot do directly."

Present Criminal Miscellaneous Petition is likely to tend the renew of earlier order without any legal justification.

For the above reasons, there is no substance in the miscellaneous petition.

Accordingly, this criminal miscellaneous petition is dismissed **as not maintainable.**

(Pradeep Kumar Srivastava, J.)