IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No. 1041 of 2020

Mohsin Alam .... Petitioner(s).

Versus

The State of Jharkhand … Opp. Party(s).

CORAM : HON'BLE MR. JUSTICE ANANDA SEN.
Through: Video Conferencing

For the Petitioner(s) : Mr. Amit Kr. Sinha, Advocate.
For the State : A.P.P.

05/10.09.2020: The lawyers have no objection with regard to the proceeding, which has been held through video conferencing today at 11:00 A.M. They have no complaint in respect of the audio and video clarity and quality.

This case was listed/supposed to be listed before the Lawazima Board for seeking an order in respect of the defects, pointed out by the office.

Considering the pandemic situation where the Court has minimized the footfall of the lawyers and their clerks in the Court, this Court felt proper to get all the cases listed before this Court so that the defects can be looked into at this stage only. Thus, this case is listed today before the Court directly.

The defect(s) as pointed out by the office stand ignored for the present.

Heard the counsel for the parties.

The petitioner in this petition, has challenged the order dated 3.7.2019, by which, cognizance of the offence punishable under Section(s) 419, 420, 467, 468 and 471 of the Indian Penal Code, has been taken by the Chief Judicial Magistrate, Ranchi, in connection with Hindpiri P.S. Case No. 91/2017 and thereafter the petitioner has been summoned.

Learned counsel for the petitioner submits that the order impugned is cryptic and is a non speaking order and does not reflect any subjective satisfaction as to what are the material to take cognizance against he petitioner. He submits that the requirement of Section 204 Cr.P.C has not been dealt with in the impugned order.

Learned A.P.P opposes the prayer of the petitioner but after going through the order impugned, he cannot justify the order impugned.

After going through the record and the order impugned, I find that the order is absolutely cryptic and non-speaking and is not in conformity with the judgment passed by this Court in the case of **Amresh Kumar Dhiraj and Ors. Vs. State of Jharkhand and Another,** reported in **2020 (1) JLJR 199 (Jhr.).** What are the materials against the petitioner to proceed, has also not been mentioned. Thus, the impugned order dated 3.7.2019 is, hereby, **set aside.** The matter is remitted to he court below to pass a fresh order in accordance with law.

Accordingly, this petition stands **allowed**.

Anu/C.P.3 **(ANANDA SEN, J.)**