

IN THE HIGH COURT OF JHARKHAND AT RANCHI

Cr.M.P No. 1077 of 2020

1. Ram Akhilesh Sharma
2. Bablu Kumar
3. Rajesh Kumar
4. Sriram Sharma @ Shree Sharma Petitioner(s).
Versus
State of Jharkhand Opposite Party(s)

CORAM : HON'BLE MR. JUSTICE ANANDA SEN.
THROUGH : VIDEO CONFERENCING

FOR THE PETITIONER(S) : Mr. A.K. Choudhary, Advocate
FOR THE STATE : Ms. Anuradha Sahay,

03/10.09.2020

This case was listed/supposed to be listed before the Lawazima Board for seeking an order in respect of the defect(s), 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 defect(s) can be looked into at this stage only. Thus, this case is listed today before this Court directly.

Defect(s) as pointed out by the office is ignored for the present

With the consent of the parties, the matter is taken up for hearing on merits.

Heard learned counsel for the parties through video conferencing. The lawyer have no objection with regard to the proceeding, which has been held through video conference today at 11.00 A.M. They have no complaint in respect to the audio and video clarity and quality.

In this application, petitioners have challenged the order dated 18.9.2014 by which non-bailable warrant of arrest has been issued. He further challenged the orders dated 15.6.2019 and 14.01.2020 by which process under Section 82 Cr.P.C and attachment order under Section 83 Cr.P.C have been issued.

After going through the impugned order, I find that non-bailable warrant of arrest has been issued is in utter violation of provision of Section 73 Cr.P.C as none of the pre-conditions has been followed. So far as orders issuing processes under Section 82 & 83 Cr.P.C are concerned the same are cryptic and do not even reflect any subjective satisfaction.

Considering the aforesaid fact, since the orders are cryptic and non-speaking and do not conform with the provision of law, the orders dated 18.9.2014, 15.6.2019 and 14.01.2020, are hereby, set aside.

Accordingly, the instant petition stands allowed.

The matter is remitted to the court below to pass a fresh order in accordance with law.

(ANANDA SEN , J)