

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No. 1143 of 2020

Sumit Kumar @ Sumit Verma @ Sumit Kumar Verma 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. Gopal Kr. Sinha, Advocate.
For the State : Mr. P.D. Agrawal, Spl. P.P.

02/11.09.2020: 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.

2. 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.

3. 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.

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

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

6 Heard the counsel for the parties.

7. The petitioner has prayed for quashing the orders dated 18.4.2018, 6.6.2018 and 15.3.2019, by which, the learned J.M Ranchi has issued process under Sections 82 and 83 Cr.P.C and permanent warrant of arrest against the petitioner respectively, in connection with Kotwali P.S. Case No. 918 of 2013 (G.R. No. 5682 of 2013).

8. Learned counsel for the petitioner relying upon the judgment/order passed by this Court in **Cr.M.P. No. 2722 of 2019 (Md. Rustum Alam @ Rustam & Ors. Vs. The State of Jharkhand)**, submits that the orders impugned have been passed without application of mind. He further submits that the procedure and requirements, which have been laid down in the section should be strictly followed while issuing the processes under Sections 82 and 83 Cr.P.C, but the same has not been followed and thus the orders impugned are absolutely bad.

9. After going through the orders impugned dated 18.4.2018 and 6.6.2018 by which, processes under Sections 82 and 83 Cr.P.C have been issued, I find that the same are absolutely cryptic and no subjective satisfaction

has been recorded as to why, the processes under Sections 82 and 83 Cr.P.C have been issued against the petitioner.

10. In view of the aforesaid facts, both the impugned orders dated 18.4.2018 and 6.6.2018, by which, the process under Section 82 Cr.P.C as well as attachment order has been issued against the petitioner, are **quashed** and **set aside**. The impugned order dated 15.3.2019, being a consequential order, is also **quashed** and **set aside**.

11. Accordingly, this petition is **allowed**.

12. The matter is remanded to the court below to pass afresh order in accordance with law.