

IN THE HIGH COURT OF JHARKHAND AT RANCHI

Cr.M.P. No. 1312 of 2020

1. Madina Bibi
2. Shekhawat Ansari @ Shekhavat Ansari
... Petitioners
Versus
The State of Jharkhand ... Opposite Party

Coram: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioners : Mr. Suraj Singh, Adv.
For the State : Mr. S.K. Jha, Addl. P.P.

02 / 11.09.2020

Heard the parties through Video Conferencing.

Mr. Suraj Singh, learned counsel for the petitioners personally undertakes to remove the defect pointed out by the Stamp Reporter within two weeks after the lockdown is over.

In view of the personal undertaking given by learned counsel for the petitioners, the defect pointed out by the Stamp Reporter are ignored for the present.

This criminal miscellaneous petition has been filed under section 482 Cr.P.C by the petitioners with a prayer for modification of the order dated 09.01.2020 passed in ABA No. 9231 of 2019.

It is submitted by the learned counsel for the petitioners that this criminal miscellaneous petition has been filed to modify the order dated 09.01.2020 passed in ABA No. 9231 of 2019 wherein consequent upon the wrong mentioning of the name of the court where the petitioner was to surrender, has been mentioned as " J.M., 1st class, Garhwa". It is next submitted by learned counsel for the petitioners that because of the printing error in the anticipatory bail application, the name of the pending court was wrongly mentioned as " learned J.M., 1st class, Garhwa" instead of "learned Chief Judicial Magistrate, Dhanbad" and consequently the said name of the court in which the case was pending was mentioned in the order dated 09.01.2020 passed

in ABA No. 9231 of 2019 and because of the same, the petitioners could not surrender within the stipulated time, hence, it is submitted that the order dated 09.01.2020 passed in ABA No. 9231 of 2019 be modified by substituting the name of the pending court “learned J.M., 1st class, Garhwa” with “ learned Chief Judicial Magistrate, Dhanbad ” and the time to surrender before the court below in terms of the order dated 09.01.2020 passed in ABA No. 9231 of 2019 be extended for four weeks from the date of this order.

Considering the facts of the case and the submission of the learned counsel for the petitioners, the order dated 09.01.2020 passed in ABA No. 9231 of 2019 is modified to the extent that the name of the pending court where the petitioners have to surrender in terms of the order 09.01.2020 passed in ABA No. 9231 of 2019 be read as “ learned Chief Judicial Magistrate, Dhanbad” instead of “ learned J.M., 1st class, Garhwa” and the time period for the petitioners to surrender in the court below in terms of the order dated 09.01.2020 passed in ABA No. 9231 of 2019 is extended for four weeks. Hence, the petitioners are directed to surrender before the court below “within four weeks from the date of this order in terms of the dated 09.01.2020 passed in ABA No. 9231 of 2019”.

The order dated 09.01.2020 passed in ABA No. 9231 of 2019 is modified to the aforesaid extent only.

This criminal miscellaneous petition is disposed of accordingly.

Let this order be communicated through FAX to the concerned court at the cost of Rs. 50/- per page to be borne by the petitioners.

(ANIL KUMAR CHOUDHARY, J.)

Smita/-