

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P (Cr.) No. 25 of 2020

Sushil Kumar Dutta Petitioner(s).

Versus

1. State of Jharkhand
2. The Director General of Police, Govt. of Jharkhand, Ranchi
3. The Superintendent of Police, Pakur, Jharkhand
4. The Officer-in-Charge, Mahila P.S. Pakur, Jharkhand Respondent(s)

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

FOR THE PETITIONER(S) : Ms. Neetu Singh, Advocate
FOR THE STATE : Mr. Manoj Kr. No.3, APP

04/24.06.2020

Heard learned counsel for the parties through video conferencing. They have no complain with respect to the audio and video clarity and quality.

In the application, petitioner has prayed to quash the notice issued under Section 41(A) Cr.P.C dated 22/11/2019 to him whereby he was directed to appear in the premises of Pakur Mahila P.S on 23.11.2019 at 10.00 A.M. Further prayer has been made to restrain the police officer from arresting the petitioner and from making raid in the house of petitioner which is situated at Pakur. A further prayer has been made to hold and declare the notice dated 22.11.2019, wholly bad and illegal.

At the very outset, I find that notice dated 22.11.2019 purported to be issued under Section 41A Cr.P.C has now lost its force as the date of appearance was mentioned as 23.11.2019.

Mr. Manoj Kumar No.3, learned APP appearing on behalf of State on instruction submits that till date no FIR has been registered against the petitioner.

That be so, so far as prayer number-ii is concerned, it is made clear that without there being any FIR or an order issuing bailable warrant or non-bailable warrant of arrest from any competent court, the petitioner cannot be arrested. Since there is no FIR, as submitted by Mr. Manoj Kumar, I think that the apprehension of the petitioner that the petitioner will be arrested has got no legs to stand.

I am disposing of this application with the observation that without any warrant of arrest against the petitioner, duly issued by any court, the petitioner cannot be arrested. It is expected that authorities will act in accordance with provisions laid down in the Cr.P.C.

Accordingly, this application stands disposed of.

(ANANDA SEN , J)