

IN THE HIGH COURT OF JHARKHAND AT RANCHI

Cr. M.P. No. 638 of 2020

Arvind Verma..... **Petitioner(s)**

Versus

State of Jharkhand & Anr..... **Opp. Party(s)**

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Coram: The Hon'ble Mr. Justice Ananda Sen  
Through:-Video Conferencing

For the petitioner : Mr. Sudhir Kumar, Advocate.

For the State : Mr. Ravi Prakash, A.P.P.

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4/25.06.2020 The lawyers have no objection with regard to the proceeding, which has been held through video conferencing today at 10.30 A.M. They have no complaint in respect to the audio and video clarity and quality.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

In this application, the petitioner has challenged the order dated 08.04.2016, by which cognizance of the offence punishable under Sections 341, 323/34 of the Indian Penal Code and Section 3(1)(X) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act has been taken against him and, thereafter, the petitioner has been summoned to face trial.

Learned counsel for the petitioner submits that there is no whisper as to what are the materials to take cognizance nor there any whisper about the overt act against this petitioner, which constitute an offence so that this petitioner is summoned. In this regard, he relies upon a judgment passed by this Court in the case of "**Amresh Kumar Dhiraj & Ors.- versus- State of Jharkhand & Anr, reported in 2020 (1) JLJR 199**".

After going through the impugned order dated 08.04.2016, I find that the Court though have written "perused the case diary", but has not whispered a single line as to what are the materials either to take cognizance or to issue summon. Further, I find that this case is squarely covered by the judgment passed by this Court in the case "**Amresh Kumar**

***Dhiraj***” (*supra*).

Thus, this application is allowed. The impugned order dated 08.04.2016, passed by the Chief Judicial Magistrate, Dhanbad in connection with (Dhanbad) Bankmore P.S. Case No. 651 of 2009, is, hereby, set aside. The matter is remitted to the Court below to pass a fresh order in accordance with law.

This criminal miscellaneous petition stands allowed.

(Ananda Sen, J)