

IN THE HIGH COURT OF JHARKHAND AT RANCHI

Cr. M.P. No. 874 of 2020

1. Ravindra Kumar Rana
2. Sushil Kumar Sinha @ Sunil Kumar Sinha
3. Md. Idrish Ansari..... **Petitioner(s)**
Versus
State of Jharkhand..... **Opp. Party(s)**

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

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For the petitioner : Mr. Mahesh Kr. Sinha No. 2, Advocate.
For the State : Mr. Sanjay Srivastava, 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.

The petitioners, in this application, have challenged the orders dated 20.02.2017 & 26.11.2018, by which processes under Sections 82 Cr.P.C. and attachment order in terms of Section 83 Cr.P.C. respectively, has been issued against them.

Learned counsel appearing for the petitioners submits that the order is cryptic, vague and does not reflect any subjective satisfaction as required by the law. Thus, the same needs to be quashed.

I have gone through the order dated 20.02.2017. There cannot be a more cryptic order than this order, which is quoted herein below:

“Received the requisition of the I.O. of this case praying therein for issuance of 82 Cr.P.C. against the accused, (1) Ravindra Kumar Rana (2) Md. Idrish Ansari (3) Sushil Kumar Sinha, who is absconding from the address.

Seen. The prayer is allowed

Issue 82 Cr.P.C against above named accused persons.”

No satisfaction has been reflected in the order. No ground or reason has been mentioned. Thus, the order dated 20.02.2017 is hereby quashed in view of the judgment passed by this Court in the case of **“Md. Rustum Alam @ Rustam & Ors- versus- the State of Jharkhand, in Cr. M.P. No. 2722 of 2019”**.

Further, the order dated 26.11.2018, which is in relation to issuance of attachment order, is also bad as nothing has been mentioned as to what property the petitioner is removing or disposing of. The

aforesaid order is also a cryptic order without recording any satisfaction. Thus, the order dated 26.11.2018, passed by the ACJM, Giridih in connection with Gawan P.S. Case No. 74/2006 (G.R. No. 2403/2006) is also quashed. The matter is remitted to the court below to pass a fresh order in accordance with law.

This criminal miscellaneous petition thus, stands allowed.

(Ananda Sen, J)