

IN THE HIGH COURT OF JHARKHAND AT RANCHI

Cr. M.P. No. 1044 of 2020

1. Chhotu Mian @ Aaiyaz Alam
2. Jalil Mian
3. Khurshid Mian..... **Petitioner(s)**
Versus
State of Jharkhand..... **Opp. Party(s)**

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

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For the petitioner : Mr. V.N.Jha, Advocate.
For the State : Mr. Suraj Verma, A.P.P.
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3/26.06.2020 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 order dated 18.01.2020, by which processes under Sections 82 Cr.P.C. has been issued against them.

I have gone through the order dated 18.01.2020. The impugned order suggests that mere only on the asking of the Investigating Officer of the case, the Court has issued the process under Section 82 Cr.P.C. There is no satisfaction recorded, which is mandatory while issuing process under Section 82 Cr.P.C.

Considering the aforesaid fact and the law laid down 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*", I am inclined to allow this application. Accordingly, this application is allowed. The impugned order dated 18.01.2020, passed by the Additional Chief Judicial Magistrate, Latehar in connection with Manika P.S. Case No. 37 of 2019, is hereby quashed. The matter is remitted to the Court below to pass a fresh order in accordance with law.

(Ananda Sen, J)