

IN THE HIGH COURT OF JHARKHAND AT RANCHI

Cr. M.P. No. 1049 of 2020

Bhikhari Choudhary..... **Petitioner(s)**

Versus

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

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Coram: The Hon'ble Mr. Justice Ananda Sen

Through:-Video Conferencing

For the petitioner : Mr. Syed Tafazzul Sajid, Advocate.

For the State : Mr. Satish Kr. keshri, A.P.P.

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2/25.06.2020 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 the counsel for the parties.

The petitioners, in this application, have challenged the orders dated 23.03.2018, 27.04.2018 & 15.03.2019, by which processes under Sections 82 Cr.P.C., attachment order in terms of Section 83 Cr.P.C. and permanent warrant of arrest respectively has been issued against the petitioner.

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.

After hearing the counsel for the parties and on going through the impugned orders, I find that without receipt of the execution report of the non-bailable warrant of arrest, the process under Section 82 Cr.P.C. has been issued. Further, I find that the impugned orders are cryptic and do not suggest any subjective satisfaction. The orders do not suggest what was the material on which the Court was satisfied that the attachment order under Section 83 Cr. P.C. is to be issued alongwith the order of proclamation under Section 82 Cr.P.C. Further, I find that sub-section (3) to Section 82 Cr.P.C. has not been followed strictly before issuing the attachment order under Section 83 Cr.P.C. In absence of any reason and

satisfaction, the orders impugned are rendered bad in law.

Thus, I am inclined to allow this criminal miscellaneous petition. Accordingly, the same is hereby allowed. The impugned orders dated 23.03.2018, 27.04.2018 & 15.03.2019, passed by the SDJM, Garhwa in connection with Meral P.S. Case No. 119 of 2011 (G.R. No. 1567/2011), by which processes under Sections 82 Cr.P.C., attachment order in terms of Section 83 Cr.P.C. and permanent warrant of arrest respectively has been issued against the petitioner, are 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)