

IN THE HIGH COURT OF JHARKHAND, RANCHI

Cr.M.P. No. 1525 of 2010

Vivek Kejriwal and Another	Petitioners
--	Versus	--
The State of Jharkhand	Opposite Party

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Petitioner	:- Mr. Sumeet Gadodia, Advocate
For the State	:- APP

7/06.09.2021 This petition has been heard through Video Conferencing in view of the guidelines of the High Court taking into account the situation arising due to COVID-19 pandemic.

This petition has been filed by the petitioners for quashing the order dated 13.08.2008, 24.10.2008, 02.02.2009 and 27.10.2010 whereby the order of issuance of warrant of arrest and processes under section 82 and 83 Cr.P.C have been ordered to be issued. This Court by order dated 07.12.2010 issued interim direction in favour of the petitioner.

I.A. No.50/2020 has been filed on behalf of the petitioners for quashing the orders dated 18.09.2019 and 10.10.2019 passed by the learned Dub –Divisional Judicial Magistrate, Chaibasa in Noamundi P.S.Case No.11 of 2008 corresponding to G.R. No.121 of 2008. A prayer is also made for extending the order of stay granted by this Court.

Mr. Gadodia, the learned counsel for the petitioners submits that in view of the judgment rendered in the case of "*Asian Re-surfacing of Road Agency Pvt. Ltd. and Another v. Central Bureau of Investigation*" reported in (2018) 16 SCC 299 the trial court is proceeding. He submits that this I.A. has been filed in the year 2020 but was not listed. He submits that after issuance of summons by order dated 04.12.2018, the case was again listed before the learned court on several occasions and it was specifically mentioned in the said orders that the service report regarding the summons have not been received and there was direction through the concerned officer regarding summons to the petitioners. He submits that in spite of thatailable warrant of arrest has been issued against the petitioners vide order dated 18.09.2019 and non-ailable warrant was issued vide order dated 10.10.2019.

In view of the above facts and considering that there is

order of stay by this Court vide order dated 07.12.2010 and the matter is still pending before this Court, in the interest of justice, it is desirable that the prayer made in the I.A. be allowed.

Interim order dated 07.12.2010 shall remain in force till the next date of listing.

I.A. No.50/2020 is disposed of.

I.A. No.49 of 2020 has been filed for certain amendment in the first paragraph as cognizance has been taken in the case, and prayer portion of the quashing application as well as for insertion of certain paragraphs mentioned in paragraph-8 of the instant I.A in view of subsequent development.

Since the petition is pending and stay was already granted and further development was taken place, I.A. No.49 of 2020 [amendment petition] stands allowed and disposed of.

Accordingly, the petitioners are directed to make necessary correction in the petition within two weeks.

Mrs. Ruby Pandey, the learned State counsel will take instruction and will file appropriate response.

Mrs. Ruby Pandey, the learned State counsel shall take further instruction with regard to the amendment and will file supplementary counter affidavit.

Post the matter on 06.12.2021.

The petitioners will file a composite petition including the facts in the petition in seriatim.

(Sanjay Kumar Dwivedi, J)

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