

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No. 1676 of 2021

1. Ranjeet Das @ Ranjeet Kumar Das, aged about 22 years, S/o Hargauri Das
2. Vimal Kumar Das @ Vimal Das, aged about 20 years, S/o Bablu Das, both r/o Village Sonatar, P.O. & P.S. Chitra, Dist.- Deoghar
3. Pankaj Mahra @ Pankaj Das, aged about 22 years, S/o Subhash Mahra, r/o Village Rangasisra, P.O. Pathrol, P.S. Pathrol, Dist.- Deoghar

... Petitioners

-Versus-

The State of Jharkhand

... Opposite Party

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Petitioners : Mr. Nityanand Prasad Choudhary, Advocate
For the Opposite Party-State : Mr. Shailendra Kumar Tiwari, A.P.P.

03/06.09.2021. Heard Mr. Nityanand Prasad Choudhary, learned counsel for the petitioners and Mr. Shailendra Kumar Tiwari, learned A.P.P. for the opposite party-State.

This criminal miscellaneous 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. None of the parties have complained about any technical snag of audio-video and with their consent this matter has been heard on merit.

This petition has been filed for quashing the order dated 26.02.2021 passed by the learned S.D.J.M., Koderma, whereby process under Section 82 Cr.P.C. has been issued against the petitioners.

Mr. Choudhary, learned counsel for the petitioners submits that without service report of bailable warrant/non-bailable warrant of arrest, process under Section 82 Cr.P.C. has been issued, which is against the mandate of law and, therefore, the impugned order dated 26.02.2021 is bad in law.

On perusal of the impugned order dated 26.02.2021, it transpires that in the said order, it has been stated that A.B.P. No.548 of 2019 filed by the petitioners was rejected on 18.11.2019. Non-bailable warrants of arrest were issued on the prayer of the I.O.. As per para nos. 32 and 34 of the up-to date case diary, the police went to the house of the accused persons on 11.08.2020 and on 12.08.2020 and it was reported to the police by the witnesses, who are residents of the same locality that the accused persons are deliberately evading their arrest and absconding. The non-bailable warrant of arrest issued against the accused persons has been returned by the I.O. stating the same fact on the back of the warrant.

In that view of the matter, there is indication of date, time and place of appearance in the impugned order dated 26.02.2021. There is sufficient compliance of the judgment passed by this Court in the case of ***Md. Rustum Alam @ Rustam and Others v. The State of Jharkhand***, reported in ***2020 (2) JLJR 712***.

In view of the aforesaid facts, no relief can be extended to the petitioners. Accordingly, this criminal miscellaneous petition stands dismissed.

(Sanjay Kumar Dwivedi, J.)