

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No. 2679 of 2020

1. Rajesh Sahu @ Rajesh Kumar Sahu, aged about 60 years, Son of Late Basudev Sahu
2. Ravi Sahu @ Ravi Sahu @ Ravi Kumar, aged about 30 years, Son of Rajesh Sahu

Both are residents of Mohalla- Hatia, Gitilpirhe, Station Road, P.O. & P.S. Jagarnathpur, District- Ranchi

... **Petitioners**

-Versus-

The State of Jharkhand

... **Opposite Party**

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Petitioners : Mr. Suraj Kumar, Advocate
For the Opposite Party-State : Mr. Vineet Kumar Vashistha, A.P.P.

06/06.09.2021. Heard Mr. Suraj Kumar, learned counsel for the petitioners and Mr. Vineet Kumar Vashistha, 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 19.02.2020 by which non-bailable warrant of arrest has been issued against the petitioners and also for quashing the order dated 16.10.2020 whereby process under Section 83 Cr.P.C. Has been issued against the petitioners.

Mr. Suraj Kumar, learned counsel for the petitioners by way of referring the order dated 19.02.2020 submits that prior to this order, the petitioners have not received any summon under Section 41 of Cr.P.C. and on the application of the I.O., non-bailable warrant of arrest has been issued against the petitioners vide order dated 19.02.2020. He further submits that on 24.08.2020, the learned court below has taken cognizance against Pradeep Sahu and summons were issued to the remaining

accused/petitioners for their appearances and next date was fixed on 05.09.2020. He also submits that all of a sudden, straightway process under Section 83 of Cr.P.C. has been issued without passing any order under Section 82 of Cr.P.C. prior to that.

The Court has perused the order dated 19.02.2020, whereby, non-bailable warrant of arrest has been issued. It appears that straightway on the application of the I.O., non-bailable warrant of arrest has been issued against the petitioners and vide order dated 24.08.2020, summons were issued to the petitioners. It appears that after the order dated 24.08.2020, further steps are not disclosed and straightway vide order dated 16.10.2020, process under Section 83 of Cr.P.C. has been issued against the petitioners that too without passing any order on earlier occasion under Section 82 of Cr.P.C., which is against the mandate of law.

In view of the aforesaid facts, the impugned orders dated 19.02.2020 and 16.10.2020 passed by the learned Judicial Magistrate-XIII, Ranchi in connection with G.R. No.2040/2020, corresponding to Argora P.S. Case No.65/2019 are quashed. The matter is remitted back to the court of the learned Judicial Magistrate-XIII, Ranchi to proceed afresh in accordance with law strictly in terms of the Cr.P.C.

Accordingly, this criminal miscellaneous petition stands allowed and disposed of.

(Sanjay Kumar Dwivedi, J.)