

**IN THE HIGH COURT OF JHARKHAND AT RANCHI**  
**Cr.M.P. No.239 of 2021**

-----

1. Ram Prasad Mandal @ Dharu Mandal aged about 24 years, son of Puran Mandal
  2. Jitni Devi, aged about 51 years, wife of Puran Mandal
- Both are resident of House No.54, Ward No.4, Village Delipatar, P.O.  
Ghagarjodi, P.S. Margomunda, District Deoghar

	....	....	....	Petitioners
Versus				
The State of Jharkhand	....	....	....	Opposite Party

**CORAM : HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI**

For the Petitioners	: Mr. Kamdeo Pandey, Advocate
For the State	: Ms. Lili Sahay, A.P.P.

-----

**05/12.04.2021** Heard Mr. Kamdeo Pandey, learned counsel for the petitioners and Ms. Lili Sahay, learned counsel for the 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.

The petitioner has challenged the orders dated 23.04.2018 and 16.08.2018 whereby process under Sections 82 and 83 Cr.P.C. has been issued against the petitioners.

Mr. Kamdeo Pandey, learned counsel for the petitioners submits that without following the parameters of Sections 82 and 83 Cr.P.C., the impugned order has been passed. He further submits that there is no report of N.B.W. and without following the guidelines issued by this Court in the case of ***Md. Rustam Alam @ Rustam & Others Versus The State of Jharkhand*** reported in ***2020 (2) JLJR 712***, the impugned order has been passed.

From perusal of impugned order, it transpires that there is no mention of execution of N.B.W. and merely on the application of I.O., the said order has been passed. There is also no mention of Form IV, time and place. In that view of the matter, the impugned order will not sustain in the eye of law.

Accordingly, the impugned orders dated 23.04.2018 and 16.08.2018, are quashed. The matter is remitted back to the Court below the to proceed afresh in terms of the Code of Criminal Procedure and in accordance with parameters of judgment passed by this Court in the case of ***Md. Rustam Alam @ Rustam*** (supra).

With the above observation and direction, this criminal miscellaneous petition is disposed of.

**(Sanjay Kumar Dwivedi, J.)**

Anit