

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No. 116 of 2021

Shankar Yadav, aged about 32 years, son of Bahadur Yadav, resident of Kachchil, P.O. Ratabahyaar, P.S. Gandey, District-Giridih

... .. Petitioner

Versus

The State of Jharkhand

... .. Opposite Party

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Petitioner : Mr. Anuj Trivedi, Advocate

For the State : Mr. P.K. Verma, A.P.P

05/05.04.2021 Heard Mr. Anuj Trivedi, learned counsel for the petitioner and Mr. P.K. Verma, learned counsel for the for the State.

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

The present petition has been filed for quashing of order dated 09.11.2020 whereby process under section 82 Cr.P.C. has been issued against the petitioner in connection with Devipur P.S. Case No. 33 of 2020, pending in the Court of learned C.J.M, Deoghar.

Learned counsel for the petitioner submits that process under section 82 Cr.P.C has been issued without adhering the Cr.P.C. and judgement passed by this Court in the case of **Md. Rustam Alam @ Rustam & Ors. V. The State of Jharkhand**, reported in **2020 (2) JLJR 712**. He submits that on 08.03.2021 Form-IV was called, order of no coercive step was passed and the matter was fixed for orders. Form-IV has been placed on record. From perusal of Form-IV, it transpires that there is no mention of place and time of appearance in terms of Cr.P.C. and judgement of **Md. Rustam Alam @ Rustam** (supra).

In that view of the matter, impugned order dated 09.11.2020 is quashed. The matter is remitted back to the court below to proceed strictly in terms of the Code of Criminal Procedure and the judgment passed by this Court in the case of ***Md. Rustam Alam @ Rustam (supra)***, in accordance with law.

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

(Sanjay Kumar Dwivedi, J.)

Satyarthi/-