

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No. 2519 of 2020

Subhash Kumar @ Subhash Kumar Rajak, aged about 22 years son of
Late Bikram Rajak, resident of village-Mahadev Waran, Nim Gachi, P.O.
and P.S. Mirza Chauki, District-Sahibganj, Jharkhand, PIN 813208

... .. Petitioner
Versus

The State of Jharkhand Opposite Party

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Petitioner : Mr. Abhishek Krishna Gupta,, Advocate
For the State : Mr. Ashwini Bhushan, A.C. to Sr. S.C-III

04/25.03.2021 Heard Mr. Abhishek Krishna Gupta, learned counsel for the petitioner and Mr. Ashwini Bhushan learned counsel 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 03.03.2020 whereby process under section 82 Cr.P.C. has been issued against the petitioner in connection with Sunder Pahari P.S. Case No. 07/2019, corresponding to G.R. Case No. 93/2019.

Mr. Abhishek Krishna Gupta, learned counsel for the petitioner submits that the petitioner was not named in F.I.R. He submits that by order dated 02.12.2019, warrant of arrest was issued against the petitioner and thereafter on 03.03.2020 without execution report, process under section 82 Cr.P.C. has been issued against the petitioner which is against the mandate of law.

Mr. Ashiwini Bhushan, learned counsel for the State submits that there is serious allegation against the petitioner that is why process under

section 82 Cr.P.C. has been issued.

On perusal of order dated 02.12.2019, it transpires that on 02.12.2019, warrant of arrest was issued and on 03.03.2020 there was no execution report inspite of that process under section 82 Cr.P.C. has been issued. There is no disclosure of time and place of appearance of the petitioner. Form-IV has not been disclosed in the impugned order which is against the mandate of law.

In that view of the matter, impugned order dated 03.03.2020 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 & Ors. V. The State of Jharkhand**, reported in **2020 (2) JLJR 712**.

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

(Sanjay Kumar Dwivedi, J.)

Satyarthi/-