

(2023) 10 JH CK 0035

In the Jharkhand High Court

Case No : Writ Petition (Criminal) No. 859 Of 2023

Akhileshwar Prasad Singh And Others

APPELLANT

Vs

State Of Jharkhand

RESPONDENT

Date of Decision : 18-10-2023

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 41A

Citation : (2023) 10 JH CK 0035

Hon'ble Judges : Sanjay Kumar Dwivedi, J

Bench : Single Bench

Advocate : Ashish Verma, Deepankar Roy

Judgement

Sanjay Kumar Dwivedi, J

1. The learned counsel appearing on behalf of the petitioners shall array the informant as respondent no.2 in this petition in course of the day.
2. The learned counsel for the petitioners submits that the petitioners have already taken steps under the Cr.P.C and filed A.B.P. which was rejected by the order dated 05.09.2023 and after receiving the said order of the A.B.P, by the next order dated 18.9.2023, the warrant has been directed to be issued against the petitioners. He submits that there is dispute of property between the petitioners and the informant and the partition has already took place in the year 1983 between the parties. He further submits that so far as the petitioner nos.1,2 and 3 are concerned, they have not been served upon the notice under section 41A of the Cr.P.C. He further submits that the case of the petitioner is covered in view of the judgment of this Court in case of Mahesh Kumar Choudhary and Others v. State of Jharkhand, reported in 2022 SC OnLine (Jhr) 620.
3. Mr. Deepankar, the learned counsel appearing on behalf of the respondent State shall take instruction and file counter affidavit within four weeks.

4. Issue notice upon the newly added respondent no.2 by registered post with A/d as well as under ordinary process for which requisites etc must be filed within one week after Durga Puja Vacation.
5. Till the next date, no coercive steps shall be taken against the petitioners in connection with Latehar P.S.Case No.62 of 2023 pending in the court of learned Chief Judicial Magistrate, Latehar.
6. Let this matter appear on 18.12.2023.