
(2022) 06 JH CK 0016

In the Jharkhand High Court

Case No : Criminal Miscellaneous Petition No. 1233 Of 2022

Krishna Ravidas

APPELLANT

Vs

State Of Jharkhand

RESPONDENT

Date of Decision : 07-06-2022

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 82, 83

Citation : (2022) 06 JH CK 0016

Hon'ble Judges : Sanjay Kumar Dwivedi, J

Bench : Single Bench

Advocate : Sidhartha Roy, Satish Prasad

Final Decision : Disposed Of

Judgement

Sanjay Kumar Dwivedi, J

This petition has been filed for quashing the order dated 11.07.2019 and 27.09.2019 whereby processes under sections 82 and 83 respectively have been issued against the petitioner in connection with G(F) Case No.368 of 2013 pending in the court of learned Judicial Magistrate, 1st Class, Hazaribagh.

The learned counsel for the petitioner submits that the order dated 11.07.2019 is not in accordance with law and there is no compliance of the statutory provision of Code of Criminal Procedure.

Mr. Prasad, the learned counsel appearing for the respondent State submits that there is no illegality in the impugned orders.

On perusal of the impugned orders it transpires that the learned court has not taken care of in the impugned orders of indicating the date and time which is one of the statutory provisions to be indicated while passing the order under section 82 Cr.P.C as held by this Court in the case of "Md. Rustum Alam @ Rustam & Ors. vs. The State of Jharkhand", reported in 2020 (2) LJLR 712'. Thus, this order is not in accordance with law, the subsequent order dated 27.09.2019 will also not

survive.

Accordingly, the impugned orders dated 11.07.2019 and 27.09.2019 are set aside. The matter is remitted back to the concerned court to proceed afresh in accordance with law.

Disposed of.