

(2018) 01 JH CK 0041
In the Jharkhand High Court
Case No : 1 of 2018

Narendra Prasad Singh

APPELLANT

Vs

The State of Jharkhand & Anr

RESPONDENT

Date of Decision : 04-01-2018

Acts Referred:

[Code of Criminal Procedure, 1973](#), [Section 482](#), [Section 825](#) - Saving of inherent powers of High Court

Citation : (2018) 01 JH CK 0041

Hon'ble Judges : Rongon Mukhopadhyay

Bench : Single Bench

Advocate : Suraj Singh, Kaushik Sarkhel

Final Decision : Allowed

Judgement

1. Heard Mr. Suraj Singh, learned counsel for the petitioner and Mr. Kaushik Sarkhel, learned A.P.P. for the State.

2. Aggrieved by the order dated 09.08.2017 as also dated 28.11.2017 passed by the learned C.J.M., Palamau in connection with Complaint

Case No. 27 of 2001 by which coercive steps have been ordered to be taken against the petitioner, the petitioner has preferred the present application.

3. Learned counsel for the petitioner at the outset has stated that he is confining his prayer only to the order dated 28.11.2017.

4. It has been stated by the learned counsel for the petitioner that after the complaint case was instituted in the year 2001, after taking of

cognizance summons were issued, but the petitioner preferred an application under Section 482 of Cr.P.C. in which stay was granted. He further

submitted that stay continued till 2013 and ultimately the application under Section 482 of Cr.P.C. was dismissed and thereafter fresh summons

were issued and without receipt of the service report warrant of arrest and proclamation under Section 82 of Cr.P.C. has been directed to be

issued.

5. Learned A.P.P. for the State has opposed the prayer.

6. It appears that in the year 2001 when the complaint case was instituted, cognizance was taken and summons were issued. The petitioner had

preferred an anticipatory bail application before the learned court below being ABP No. 186 of 2001 which however was rejected. Subsequently

thereafter Cr.M.P. No. 2680 of 2001 under Section 482 of Cr.P.C. was filed in which stay was granted which continued to operate till 2013 and

ultimately the stay order was communicated to the learned court below and thereafter summons and warrants were issued for securing the

attendance of the petitioner. It appears from the perusal of the impugned order dated 28.11.2017 that without the execution report and without

application of judicial mind, the said orders have been passed directing taking of coercive step against the petitioner in terms of Section 82 of

Cr.P.C. Since the impugned order dated 28.11.2017 does not contain any justifiable reason, the same is hereby quashed and set aside.

7. This application stands allowed to the extent mentioned hereinabove.

8. However, the learned court below is at liberty to proceed further in accordance with law.