

(2021) 09 JH CK 0012

In the Jharkhand High Court

Case No : Criminal Miscellaneous Petition No. 1675 Of 2021

Pintu Ghosh @ Bose @ Pintu Bose

APPELLANT

Vs

State Of Jharkhand

RESPONDENT

Date of Decision : 06-09-2021

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 82

Citation : (2021) 09 JH CK 0012

Hon'ble Judges : Sanjay Kumar Dwivedi, J

Bench : Single Bench

Advocate : Anuj Kumar Trivedi, Priya Shrestha

Judgement

Sanjay Kumar Dwivedi, J

This criminal miscellaneous 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.

This petition has been filed for quashing the order dated 31.05.2021 passed in connection with Nimiyaghat P.S. Case No.130/2019, corresponding to G.R. Case No.73/2020, whereby, process under Section 82 Cr.P.C. has been issued against the petitioner.

Learned counsel for the petitioner submits that by the impugned order, there is no mention of date, time and place that is why this order is bad in law in terms of the judgment passed by this Court in the case of Md. Rustum Alam @ Rustam and Others v. The State of Jharkhand, reported in 2020 (2) JLJR 712.

On perusal of the impugned order dated 31.05.2021, it transpires that the learned court below has discussed the several aspects including the judgment passed in the case of Md. Rustum Alam (supra) and after due satisfaction, the impugned order has been passed. In last paragraph of the impugned order, O/C was directed to put up draft of process meaning thereby the court below was

conscious of Form-IV of Cr.P.C., as required to be filled up in terms of the judgment passed in the case of Md. Rustum Alam (supra).

Learned counsel for the petitioner is seeking two weeks' time to file supplementary affidavit bringing on record Form-IV of Cr.P.C.

Till the next date, no coercive steps shall be taken against the above-named petitioner in connection with Nimiyaghat P.S. Case No.130/2019, corresponding to G.R. Case No.73/2020, pending in the court of the learned Judicial Magistrate, First Class, Giridih.

Post this matter on 27.09.2021.