IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P No. 496 of 2020

1. Ishwar Lal Patel
2. Uday Kumar Singh …. …. Petitioner(s).

Versus

1. State of Jharkhand
2. Ashok Kumar Sinha …. …. Opposite Party(s)

CORAM : HON'BLE MR. JUSTICE ANANDA SEN.

FOR THE PETITIONER(S) : Mr. Indrajit Sinha, Advocate
FOR THE STATE : Mr. Ram Prakash Singh, APP

03/05.03.2020

Heard learned counsel for the petitioners.

The petitioners are aggrieved by the order dated 23.10.2007 by which, the learned JM, 1st Class Dhanbad has taken cognizance for the offence under Sections 467, 468, 471, 472 and 420 IPC in connection with Dhanbad P.S. Case No. 772 of 2007.

Learned counsel for the petitioners submits that the order impugned is cryptic and non-speaking as well as there is non-application of mind. He further submits that requirement of Section 204 Cr.P.C has not been dealt with in the order impugned. He also submit that the court should have sufficiently satisfied itself before taking cognizance for the offence as alleged. He further submits that what are the materials for taking the cognizance, has not been reflected in the order impugned, which makes the impugned order defective.

After going through the record and the order impugned, I find that the court below has taken cognizance for the offence under Sections 467, 468, 471, 472 and 420 IPC. What are the materials against the petitioners in the order impugned has not been mentioned. In most mechanical way, the impugned order has been passed. This Court in the case of ***Amresh Kumar Dhiraj and Ors. Vs. State of Jharkhand & Anr.*** reported in ***2020 (1) JLJR 199*** has passed the detailed order discussing the provisions and requirement of order under Section 190 and 204 Cr.P.C. The impugned order is not in consonance with the aforesaid order.

In view of the aforesaid facts, I find that order dated 23.10.2007 is not in consonance with the provisions as laid down, thus, order impugned is, hereby, quashed and set aside.

Accordingly, this petition is allowed.

The learned court below is directed to pass order afresh in accordance with the provisions of law.

(ANANDA SEN , J)

anjali/ C.P 3