IN THE HIGH COURT OF JHARKHAND AT RANCHI

Cr.M.P No. 2858 of 2014

Dulal Gope @ Dulal Chandra Gope …. …. Petitioner(s).

Versus

State of Jharkhand …. …. Opposite Party(s)

CORAM : HON'BLE MR. JUSTICE ANANDA SEN.

THROUGH : VIDEO CONFERENCING

FOR THE PETITIONER(S) : Mr. Sanjay Kumar, Advocate

FOR THE STATE : Mr. V. S. Sahay, APP

06/07.12.2020

Heard learned counsel for the parties through video conferencing. The lawyer have no objection with regard to the proceeding, which has been held through video conference today at 11.00 A.M. They have no complaint in respect to the audio and video clarity and quality.

In this application, petitioner is confining his prayer to the order dated 3.2.2014 by which process under Section 82 Cr.P.C has been issued.

I have gone through the order dated 3.02.2014, I find that without recording any subjective satisfaction, process under Section 82 Cr.P.C has been issued by the court below. This Court has passed detailed order in the case of ***Md. Rustum Alam @ Rustam & Ors. Vrs. State of Jharkhand*** reported in ***2020 (2) JLJR 712*** covering the issues. The procedure adopted by the court is not correct as the court had to record subjective satisfaction for issuing process under Section 82 Cr.P.C, thus order dated 03.02.2014 which is not in accordance with law and the judgment passed by this Court in the case of ***Md. Rustum Alam @ Rustam & Ors. (Supra),*** is set aside arising out of Pindrajora P.S Case No. 44 of 2013, corresponding to G.R. No. 791 of 2013, pending in the court of Chief Judicial Magistrate, Bokaro. The matter is remitted to the court concerned to pass order afresh in accordance with law.

Accordingly, the instant application stands allowed.

(ANANDA SEN , J)

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