IN THE HIGH COURT OF JHARKHAND AT RANCHI

Cr. M.P. No. 1993 of 2020

With

I.A. No. 5305 of 2020

Sakil Akhtar @ Shakil Arkari..... **Petitioner(s)**

Versus

State of Jharkhand..... **Opp. Party(s)**

.....

Coram: Hon'ble Mr. Justice Ananda Sen

Through:-Video Conferencing

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For the Petitioner : Mr. Manoj Prasad, Advocate
For the State : Mr. Vineet Kumar Vashistha, A.P.P.

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4/14.12.2020 The lawyers have no objection with regard to the proceeding, which has been held through video conferencing today at 11.30 A.M. They have no complaint in respect to the audio and video clarity and quality.

Heard the parties.

The petitioner, in this application, has challenged the order dated 25.08.2020, passed in connection with Lohardaga (M) P.S. Case No. 25 of 2020, by which processes under Sections 82 Cr. P.C., has been issued against him.

From perusal of the order, I find that neither any satisfaction has been recorded while issuing process nor the other mandatory requirements of Section 82 Cr.P.C. have been followed by the court below. The date and time when the petitioner is suppose to appear pursuant to the order passed under Section 82 Cr.P.C., has not been mentioned.

This Court had called for Form-IV of the Code of Criminal Procedure. The same has been received. On going through the same, I also find that no date, time and place have been mentioned where the petitioner is to appear pursuant to the direction passed in terms of Section 82 Cr.P.C. The necessary mandatory columns have been kept blank by the court concerned.

Considering the aforesaid and fact in view of the judgment passed by this Court in the case of ***Md. Rustum Alam @ Rustam & Ors- versus- the State of Jharkhand, reported in 2020 (2) JLJR 712,*** this application is allowed. The order dated 25.08.2020 passed by the Chief Judicial Magistrate, Lohardaga in

connection with Lohardaga (M) P.S. Case No. 25 of 2020 and Form-IV Cr.P.C., are hereby set aside. The matter is remitted to the court below to pass a fresh order in accordance with law, in terms of the judgment referred to above.

Subsequent order dated 29.09.2020, by which process under Section 83 Cr.P.C has been issued, is also set aside.

In view of the order passed in the main application, I.A. No. 5305 of 2020, filed for amendment in prayer portion, is hereby allowed.

This criminal miscellaneous petition stands allowed.

(**Ananda Sen, J**)

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