IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P No. 2409 of 2020

1. Vijay Mohan Raju
2. Manisha Kumari …. …. Petitioner(s).

Versus

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

CORAM : HON'BLE MR. JUSTICE ANANDA SEN.
THROUGH : VIDEO CONFERENCING

FOR THE PETITIONER(S) : Mr. Deepak Kumar, Advocate
FOR THE STATE : AC to SC-IV

03/18.12.2020

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. Learned A.P.P. opposes the prayer for bail.

In this application, petitioners have prayed to quash the order dated 17.7.2019 by which cognizance of the offence punishable under Sections 341, 323, 427, 504, 307/34 IPC & section 27 of Arms Act has been taken and summon has been issued.

Learned counsel for the petitioners submits that the cognizance order is absolutely bad and is a non-speaking order and it does not reflect any subjective satisfaction as to what are the materials to issue summons against these petitioners. He submits that the requirements of Sections 190 & 204 Cr.P.C has not been dealt with in the impugned order. He further submits that he is relying upon the judgment of this Court in the case of ***Amresh Kumar Dhiraj and Ors. Vs. State of Jharkhand &Anr.***, reported in ***2020 (1) JLJR 199.***

After going through the record, I find that the order is absolutely cryptic and non-speaking and is not in conformity with the judgment passed by this Court in the case of ***Amresh Kumar Dhiraj (Supra).*** What are the materials against the petitioners to proceed, has also not been mentioned. Thus, the impugned order dated 17.07.2019 passed by the Judicial Magistrate, Ranchi is, hereby, set aside. The matter is remitted to the court below to pass a fresh order in accordance with the provision of law.

This criminal miscellaneous petition stands allowed.

(ANANDA SEN , J)

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