IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P No. 3231 of 2019

1. Rambrat Narayan Ojha
2. Janak Dulari Devi
3. Savita Ojha
4. Shambhu Narayan Ojha
5. Santosh Narayan Ojha …. …. Petitioner(s).

Versus

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

CORAM : HON'BLE MR. JUSTICE ANANDA SEN.

FOR THE PETITIONER(S) : Mr. Amit Sinha, Advocate
FOR THE STATE : APP

02/14.01.2020

Heard learned counsel for the petitioners and the State.

The petitioners are aggrieved by the order dated 17.8.2019 by which, the learned JM, 1st Class, Ranchi has taken cognizance for the offence under Sections 323, 341, 379, 420, 467, 468 IPC in connection with Complaint Case No. 4934 of 2018.

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 323, 341, 379, 420, 467, 468 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 & Ors***, 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 17.08.2019 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)

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