

**IN THE HIGH COURT OF JHARKHAND AT RANCHI**  
**Cr. M.P. No. 3305 of 2013**  
**WITH**  
**I.A. No. 8797 of 2018**

A.N. Jha @ Amarendra Narayan Jha

**Petitioner**

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**-versus-**

1. The State of Jharkhand
2. Brij Vir Singh, Labour Enforcement Officer (Central), Dhanbad II and I/c. Katras Garh, Dhanbad.

**Opposite Parties**

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**CORAM : HON'BLE MR. JUSTICE ANANDA SEN**

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**For the Petitioner :** Mr. Amit Kumar Sinha, Advocate  
**For the State :** A.P.P.  
**For the O.P. No.2/U.O.I.:** Mr. Devanand Kumar, C.G.C.  
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**5/ 26.02.2020** Heard learned counsel for the parties.

2. Petitioner has challenged the order dated 15.01.2013 passed by the Chief Judicial Magistrate, Dhanbad in CLA Case No.32 of 2013, by which cognizance of the offence under Sections 23 and 24 of the Contract Labour (Regulation and Abolition) Act, 1970 has been taken and thereafter petitioner was summoned.

3. Counsel for the petitioner submits that the impugned order dated 15.01.2013 is absolutely vague, cryptic and non-speaking and is not in conformity with the provisions of law. He submits that the impugned order does not suggest as to what are the materials so as to proceed against petitioner. He submits that thus the impugned order is liable to be quashed and set aside.

4. After hearing the parties and after going through the impugned order dated 15.01.2013, I find that cognizance has been taken for the offence under Section 23 and 24 of the Contract Labour (Regulation and Abolition) Act, 1970 and thereafter summons have been issued against the petitioner. This Court in the case of **Amresh Kumar Dhiraj and Others versus State of Jharkhand & Another** reported in **2020 (1) JLJR 199 (Jhr.)** has passed a detailed order discussing the provisions of issuing process under Section 204 of the Code of Criminal Procedure and order taking cognizance. The impugned order is not in consonance with the aforesaid order.

5. In view of the aforesaid facts, I find that the impugned order is a cryptic and non-speaking one, without recording any material against the petitioner so as to proceed against him. Thus, the order is not in

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consonance with the provisions of the Code of Criminal Procedure. Accordingly, the impugned order dated 15.01.2013 passed by the Chief Judicial Magistrate, Dhanbad in CLA Case No.32 of 2013 is hereby quashed and set aside. The matter is remanded to the Court concerned for proceeding afresh and passing an order in accordance with the provisions of law.

**6.** This criminal miscellaneous petition is, accordingly, allowed. I.A. No. 8797 of 2018 also stands disposed of.

**( Ananda Sen, J.)**

Kumar/Cp-03