

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Criminal Miscellaneous Petition No. 41 of 2017

Animesh Panda S/o Achintya Kumar Panda R/o C.M.
Medical College, Village Kanchandur, Khrud Road,
PO Jamul Cement Works, PS Supela (Bhilai),
District Durg, State Chattishgarh Petitioner

Versus

The State of Jharkhand Opposite Party

CORAM : HON'BLE MR. JUSTICE RONGON MUKHOPADHYAY

For the Petitioner : Mr. S. M. Shahzad, Advocate
For the Opposite Party : Mr. Vikash Kishore, A.P.P.

3/09.02.2017 I. A. No. 1147 of 2017:

This interlocutory application has been preferred by the petitioner for amending the prayer made in Cr.M.P. No. 41 of 2017.

It has been stated that due to inadvertence in the main application, the order dated 04.06.2016 was challenged. It has stated that in fact proclamation under Section 82 of Cr.P.C. has been directed to be issued on 28.06.2016 which the petitioner intends to challenge by amending the prayer.

In view of the averment made in the instant application, the same is allowed.

The petitioner is permitted to challenge the order dated 28.06.2016 passed by the learned J.M., Dhabad in C. P. Case No. 1202 of 2015.

Let this I. A. be considered as part of the main application.

Cr. M. P. No. 41 of 2017:

Heard Md. S. M. Shahzad, learned counsel for the petitioner and Mr. Vikash Kishore, learned A.P.P. for the State.

This application is directed against the order dated 28.06.2016 passed by the learned J.M., Dhanbad in C. P. Case No. 1202 of 2015 by virtue of which proclamation under Section 82 of Cr.P.C. has been ordered to be issued.

It appears that without recording subjective satisfaction, the learned Magistrate has passed order of issuance of proclamation under Section 82 of Cr.P.C.

In absence of any cogent reasons, the impugned order being not sustainable in the eye of law is quashed and set aside.

This application is allowed.

However, the learned Magistrate is at liberty to proceed further in the matter in accordance with law.

Pending I.As also stand disposed of.

(Rongon Mukhopadhyay, J)

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