

IN THE HIGH COURT OF JHARKHAND, RANCHI
Cr.M.P. No. 2717 of 2022

Tofik Ansari, aged about 30 years, son of Nayamat Ali, resident of Ghatkul
P.O. Gandey, PS Gandey, District Giridih (Jharkhand) Petitioner

-- Versus --

The State of Jharkhand Opposite Party

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

Petitioner :- Mr. Razaullah Ansari, Advocate

For the State :- Mr. Shailendra Kumar Tiwari, Advocate

2/20.09.2022 This petition has been filed for quashing of the order dated 20.05.2022 passed by the learned A.C.J.M., Chaibasa at West Singhbhum in connection with Muffasil (Pandrasali) P.S. Case No.94 of 2017, G.R.No.473 of 2017 whereby process under section 82 Cr.P.C against the petitioner has been directed to be issued, pending in the same learned court.

The learned counsel for the petitioner submits that the learned court has issued the process under section 82 Cr.P.C which is not in accordance with law and the satisfaction of the learned court has also not been recorded while passing the order under section 82 Cr.P.C.

On the other hand, the learned counsel for the respondent State submits that there is no illegality in the impugned order and the learned court has complied with the parameters while passing such order under the Cr.P.C.

In view of the above facts and submissions of the learned counsels for the parties, this Court has perused the materials on record and finds that by order dated 14.3.2022 the learned court has directed to issue Non Bailable Warrant against the petitioner. Considering that the petitioner is involved in the cyber-crime and the case was registered under sections other than IPC also under section 66(C) and 66(D) of the Information Technology Act 2000. On perusal of the impugned order, it transpires that that satisfaction of the learned court has been recorded and the learned court has taken care of all the things while passing the order and even the date and time of appearance has been indicated and there is no illegality in the impugned orders. However, in the interest of justice, it will suffice that the petitioner be directed to appear before the learned court on or before 26.09.2022.

Accordingly, the petitioner is directed to appear before the learned concerned court on or before 26.09.2022 and in the event of appearance of the petitioner before the learned concerned court on or before the aforesaid date, the process shall not be given effect to, if it has not yet been given effect to.

It is made clear if the petitioner fails to appear before the learned concerned court on or before the said date, all coercive steps shall be taken by the learned concerned court against the petitioner.

Disposed of.

(Sanjay Kumar Dwivedi, J.)

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