

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No. 706 of 2016

Pramila Soren Petitioner
Versus
The State of Jharkhand Opp. Party

CORAM : HON'BLE MR. JUSTICE RONGON MUKHOPADHYAY

For the Petitioner : Mr. Kaushik Sarkhel, Advocate
For the Opp. Party : Mr. Sanjay Kumar Pandey, A.P.P.

03/29.04.2016 Heard Mr. Kaushik Sarkhel, learned counsel appearing for the petitioner and Mr. Sanjay Kumar Pandey, learned A.P.P. for the State.

In this application the petitioner has prayed for quashing of the order dated 22.05.2015 passed by the learned Chief Judicial Magistrate, Jamtara in connection with Nala (Bindapathar) P. S. case No. 40 of 2012 corresponding to G. R. No. 263 of 2012 by which non-bailable warrant of arrest has been issued against the petitioner. A further prayer has been made for quashing of the order dated 30.09.2015 by which proclamation under Section 82 Cr.P.C. has been issued.

It has been submitted by the learned counsel for the petitioner that simply on the requisition of the Investigating Officer and without recording any finding as to whether the petitioner are evading arrest the impugned order dated 22.05.2015 has been passed. It has also been stated that the order dated 30.09.2015 also does not contain any reason or subjective satisfaction of the learned Chief Judicial Magistrate, Jamtara while issuing proclamation under Section 82 Cr.P.C.

Learned A.P.P. has opposed the contention of the learned counsel for the petitioner.

It appears from both the impugned orders dated 22.05.2015 as well as 30.09.2015 that no reasons have been recorded by the learned Magistrate while passing such orders. Both the orders do not contain any reasons or recording of subjective satisfaction of the learned Magistrate.

In such circumstances, the impugned orders dated 22.05.2015 as well as 30.09.2015 passed by the learned Chief Judicial Magistrate, Jamtara in connection with Nala (Bindapathar) P. S. case No. 40 of 2012 are, hereby, quashed and set aside.

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

(R. Mukhopadhyay, J.)