

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. M.P. No. 1205 of 2020

1. Shashank Shekhar
2. Pankaj Kumar
3. Anchal Kumari
4. Sana Kauser
5. Jitendra Kumar Sriwastava
6. Nripendra Kumar Gautam
7. Santosh Singh

... **Petitioners**

-versus-

1. The State of Jharkhand
2. Ravi Kumar

... **Opposite Parties**

CORAM : HON'BLE MR. JUSTICE ANANDA SEN
THROUGH VIDEO CONFERENCING

For the Petitioners : Ms. Khushboo Kataruka, Advocate
For the State: Ms. Anuradha Sahay, A.P.P.
For the O.P. No.2 : None

3/ 23.09.2020 Learned counsel for the petitioner and the learned A.P.P. for the State are present through Video Conferencing. The lawyers have no objection with regard to the proceeding, which has been held through Video Conferencing today at 11.00 a.m. They have no complain in respect to the audio and video clarity and quality.

This case was listed/supposed to be listed before the Lawazima Board for seeking an order in respect of the defects, pointed out by the Office.

Considering the pandemic situation where the Court has minimized the footfall of the lawyers and their Clerks in the Court, this Court felt proper to get all the cases listed before this Court so that the defects can be looked into at this stage only. Thus, this case is listed today before this Court directly.

Counsel for the petitioners prays to ignore the defects and take up the matter on merits.

Accordingly, the defects are ignored for the present.

Order dated 14.01.2020 passed in Complaint Case No.3144 of 2019 is under challenge.

Counsel for the petitioners submits that the dispute is absolutely civil in nature, which has been given the colour of a criminal case and thus, the same is an abuse of the process of the Court.

Issue notice to the opposite party No.2 by registered post with A/D. as also through ordinary process for which requisites etc. must be filed within two weeks.

List this case after appearance of the opposite party No.2 or after service of notice to opposite party No.2, whichever is earlier.

In the meantime, further proceedings in connection with Complaint Case No.3144 of 2019, pending in the Court of learned Judicial Magistrate 1st Class, 4th, Ranchi, so far as it relates to the petitioners, abovenamed, shall remain stayed.

Before parting with this order, I want to bring to the notice that at the last page of the impugned order dated 14.01.2020, the Court below, without putting any date for appearance of the accused persons, has put his signature. While putting the signature, the Court did not even see as a blank has been kept where date had to be filled up and in fact, the date has not been filled up. The Court should be cautious in future.

Let a copy of this order be communicated to the Judicial Commissioner, Ranchi for onward communication to the concerned Judicial Officer.

(Ananda Sen, J.)