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SLP(Crl.)No. 2409 OF 2001
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IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

Criminal Appeal No. of 2002@@
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(Arising out of SLP(Crl) No. 2409/2001)

Ishta Narain Mishra ...Appellant (s)

Versus

State of Jharkhand & Ors. ...Respondent(s)

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Leave granted.

A Magistrate on the complaint filed by the petitioner, having directed investigation exercising power under Section 156(3) of the Code of Criminal Procedure, a writ petition under Article 226 of the Constitution of India was filed before the High Court. The High Court even without issuing notice to the petitioner, disposed of the matter and set aside the order of the Magistrate, on a finding that the Magistrate passed that order mechanically without application of mind. The High Court could not have come to that ultimate conclusion without even noticing the petitioner, on whose complaint the Magistrate had directed investigation under Section 156(3) Cr.P.C.. In that view of the matter, we set aside the impugned order of the High Court and direct that the High ...2

Court may reconsider the matter after giving opportunity of hearing to the petitioner-complainant. This appeal stands disposed of accordingly.

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(G.B. PATTANAIAK)@@
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(R.P. SETHI)@@
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New Delhi;
January 18, 2002

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(ARIJIT PASAYAT)@@
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ITEM No.30

Court No. 3

SECTION IIA
A/N MATTER

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl.) No. 2409/2001

(From the judgement and order dated 01/03/2001 in CRWJC 30/01
of The High Court of Jharkhand at Ranchi)

ISHTA NARAIN MISHRA

Petitioner (s)

VERSUS

STATE OF JHARKHAND & ORS.

Respondent (s)

(With Appln(s). for stay)
(With Office Report)

Date : 18/01/2002 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.B. PATTANAIK
HON'BLE MR. JUSTICE R.P. SETHI
HON'BLE MR. JUSTICE ARIJIT PASAYAT

For Petitioner (s) Mr. P.S. Mishra, Sr. Adv.
Mr. Vishnu Sharma, Mr. U. Mishra,
Mr. Tathagat H. Vardhan, Adv.

For Respondent (s) Mr. Vishwajit Singh, Adv.
Mr. Ravi Kumar, Adv.
Mr. Ritesh Agrawal, Adv.

Mr. N.B. Joshi, Adv.
Ms. Abha R. Sharma, Adv.

Mr. Rudreshwar Singh, Adv.
Mr. Tapeshe Singh, Adv.
Mr. Sanjay Jain, Adv.

UPON hearing counsel the Court made the following
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Leave granted.
The appeal stands disposed of in terms of the signed
order.

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(J.S. Rawat)
Court Master

(V.P. Tyagi)
Court Master

(Signed order is placed on the file)