

IN THE HIGH COURT OF JHARKHAND AT RANCHI

Cr.M.P. No. 681 of 2026

Lalita Devi, aged about 46 years, wife of Ram Pravesh Rai @
Ram Pravesh, resident of New R.S.T., P.O. & P.S.- Dhurwa,
Dist.- Ranchi Petitioner

Versus

The State of Jharkhand Opposite Party

For the Petitioner : Mr. Gautam Kumar , Adv.

For the State : Mr. Pankaj Kumar, PP

P R E S E N T

HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

By the Court:- **I.A. no. 6035 of 2026**

Heard the parties.

Learned counsel for the petitioner submits that this interlocutory application has been filed with the prayer to make additional prayer of quashing the order dated 07.01.2025 passed by learned JMFC, XXX, Ranchi in G.R. case no. 1406 of 2017 (S) arising out of Dhurwa P.S. case no. 69 of 2017 whereby and where under, the process under Section 82 of CrPC has been issued against the petitioner, in the prayer portion of the Criminal Miscellaneous Petition. It is further submitted that inadvertently, the said prayer was left out in the prayer portion of the Criminal Miscellaneous Petition at the time of filing of the petition and the additional prayer will not change the nature and character of the petition and unless the proposed amendment is allowed, the petitioner will be highly prejudiced.

Considering the aforesaid facts, the prayer is allowed and the petitioner is directed to file consolidated criminal miscellaneous petition incorporating the amendment allowed by this order.

Learned counsel for the petitioner files the said consolidated criminal miscellaneous petition in the court today. Keep the same in the record.

This interlocutory application is disposed of accordingly.

(ANIL KUMAR CHOUDHARY, J.)

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2. This criminal miscellaneous petition has been filed invoking the jurisdiction of this Court under Section 528 of BNSS, 2023 with the prayer of quashing and setting aside the order dated 07.01.2025 passed by learned JMFC, XXX, Ranchi in connection with G.R. case no. 1406 of 2017 (s) arising out of Dhurwa P.S. case no. 69 of 2017 by which, the process under Section 82 of CrPC has been issued against the petitioner and also to quash the order dated 08.02.2022 passed in the said case by learned Judicial Magistrate-XXVII, Ranchi whereby and where under, learned court cancelled the bail of the petitioner and ordered for issuance of non-bailable warrant of arrest.
3. At the outset, learned counsel for the petitioner does not press the prayer of quashing the order dated 08.02.2022 passed in connection with G.R. case no. 1406 of 2017 (s) arising out of Dhurwa P.S. case no. 69 of 2017 by learned Judicial Magistrate-XXVII, Ranchi.
4. Accordingly, the prayer of quashing the order dated 08.02.2022 passed in connection with G.R. case no. 1406 of 2017 (s) arising out of Dhurwa P.S. case no. 69 of 2017 by learned Judicial Magistrate-XXVII, Ranchi is rejected as not pressed.
5. So far as the prayer for quashing and setting aside the order dated 07.01.2025 passed by learned JMFC, XXX, Ranchi in connection with G.R. case no. 1406 of 2017 (s) arising out of

- Dhurwa P.S. case no. 69 of 2017 is concerned, it is submitted by learned counsel for the petitioner that the process under Section 82 of CrPC has been issued vide order dated 07.01.2025 without following the due process of law and without recording the satisfaction that the petitioner is absconding or concealing himself to evade his arrest and without fixing any time or place for appearance of the petitioner, hence, the said order is not sustainable in law, hence, the same be quashed and set aside.
6. Learned PP on the other hand vehemently opposes the prayer and submits that learned JMFC, Ranchi has recorded his satisfaction that the petitioner is absconding from her house and since the petitioner is expected to appear in the court concerned, after the proclamation has been made hence, it is submitted that no illegality has been committed by learned JMFC, XXX, Ranchi. It is lastly submitted that this Criminal Miscellaneous Petition being without any merit, be dismissed.
 7. Having heard the submissions made at the Bar and after going through materials available in the record, it is pertinent to mention here that by now it is a settled principle of law that the court which issues the proclamation under Section 82 of Cr.P.C., must record its satisfaction that the accused in respect of whom, the proclamation under Section 82 of Cr.P.C. is made, is absconding or concealing himself to evade his arrest and in case, the court decides to issue proclamation under Section 82 of Cr.P.C., it must mention the time and place for appearance of the petitioner in the order itself by which the proclamation under Section 82 of Cr.P.C. is issued. As already indicated above, since the learned JMFC, XXX, Ranchi has not fixed any time or place for appearance of the petitioner in the order by which, the process under Section 82 of CrPC is ordered to be issued, *inter alia* against the petitioner, hence, this Court has no

- hesitation in holding that learned JMFC, XXX, Ranchi has committed a grave illegality by issuing the said proclamation under Section 82 of Cr.P.C. without complying with the mandatory requirements of law. Hence, the same is not sustainable in law and the continuation of the same will amount to abuse of process of law. Therefore, this is a fit case where the order dated 07.01.2025 passed by learned JMFC, XXX, Ranchi in connection with G.R. case no. 1406 of 2017 (s) in Dhurwa P.S. case no. 69 of 2017 be quashed and set aside *qua* the petitioner only.
8. Accordingly, the order dated 07.01.2025 passed by learned JMFC, XXX, Ranchi in connection with G.R. case no. 1406 of 2017 (s) in Dhurwa P.S. case no. 69 of 2017 is quashed and set aside *qua* the petitioner only.
 9. Learned JMFC, XXX, Ranchi may pass a fresh order in accordance with law.
 10. Accordingly, this Criminal Miscellaneous Petition is allowed to the aforesaid extent and in view of the disposal of this Criminal Miscellaneous Petition, all the pending interlocutory applications, if any, is disposed of being infructuous.

(Anil Kumar Choudhary, J.)

High Court of Jharkhand, Ranchi
Dated, the 5th May, 2026
Smita / AFR

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