

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No.646 of 2024

Munwar Affaque @ Munawer Afaque age 23 years old, son of
Afaque Ahmad, resident of Behind Syndicate Building, Kanta toli
Chowk, P.O- Kanta Toli, P.S.- Lower Bazar, District- Ranchi.

... Petitioner

Versus

The State of Jharkhand

...

Opposite Party

CORAM: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioner : Mr. Sourabh Kr. Das, Advocate
Mrs. Sabyasanchi, Advocate

For the State : Mr. Shiv Shankar Kumar, Addl.P.P.

Order No:-03 Dated:-22-10-2024

Heard the parties.

The record is put up today as the Stamp Reporter has raised objection that this Cr.M.P. has been filed on behalf of the petitioner for granting bail as he has been tendered pardon (turned approver) under Section 306 of the Code of Criminal Procedure in connection with S.T. Case No.783 of 2022 corresponding to Sukhdeonagar P.S. Case No.238 of 2022. Hence, in view of the Rule 84(g) of the High Court of Jharkhand Rules, 2001, this Cr.M.P. is not maintainable.

Learned counsel for the petitioner relies upon the judgment of the Co-ordinate Bench of this Court in the case of **Sudhanshu Ranjan @ Chhotu Singh vs. The Union of India, through National Investigation Agency** passed in **Cr.M.P. No.1300 of 2021** dated 22.04.2022 wherein in the similar facts of the case, the Co-ordinate Bench has held that since the petitioner has been made approver under Section 306 of Cr.P.C., hence, Section 437 and 439 of Cr.P.C. are not attracted in the case of approver and the remedy is under Section 482 of Cr.P.C. So, the petition under Section 482 of the Code of Criminal Procedure is maintainable.

Rule 84(j) is the nomenclature of bail application and the bail application for grant of regular bail is to be assigned the nomenclature B.A. Rule 84(g) deals with nomenclature of the petitions of criminal nature including the applications under Section 482 of the Code of Criminal Procedure (quashing) and all applications under other provisions of Cr.P.C. or under any law dealing

with the crime or criminal matters but will not include applications filed under any provision of the Constitution of India or a petition for bail for anticipatory bail application.

This Court is of the considered view that even though it has not been specifically mentioned in Rule 84(g) of the High Court of Jharkhand Rules, 2001 but the words “petition for bail appearing” in the said Rule 84(g), relates to the petition for bail filed under Section 437/439 of the Code of Criminal Procedure or 480 and 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023. Hence, the objection of the stamp reporter is overruled. The nomenclature of this application as Cr.M.P. is correct and proper.

The stamp reporter is directed to furnish a fresh stamp reporting.

List this case after removal of the defects.

(Anil Kumar Choudhary, J.)