

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No.895 of 2026

Juhi Kureshi, aged about 38 years, D/o Shahid Ahmed Kureshi, R/o
Shivnandanpur, Bishrampur (NP), Surajpur, P.O. and P.S.-Surajpur,
District-Chattisgarh.

... Petitioner

Versus

1. The State of Jharkhand
2. Anju Jha, wife of Dhananjay Jha, aged about 43 years, Resident of
Flat No.203, A-Block, Shivam Apartment, Killburn Colony, New
Shivpuri, P.O.-Hinoo, P.S.-Doranda, District-Ranchi.

... Opposite Parties

For the Petitioner : Mr. Anjani Nandan, Advocate
For the State : Mr. Someshwar Roy, Addl.P.P.
For the OP 2 : Mr. Girish Mohan Singh, Advocate

P R E S E N T

HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

I.A. No.8213 of 2026

Heard the parties.

Learned counsel for the petitioner submits that this interlocutory application has been filed with the prayer for early hearing of the instant Cr.M.P.

Since, the hearing of instant Cr.M.P. is taken up today, hence, this interlocutory application stands disposed of being infructuous.

(Anil Kumar Choudhary, J.)

Cr.M.P. No.895 of 2026

By the Court:- Heard the parties.

2. This Criminal Miscellaneous Petition has been filed invoking the jurisdiction of this Court under Section 528 of the BNSS, 2023 with twin prayers but at the outset, the learned counsel for the petitioner submits that the petitioner does not press the prayer to quash the order dated 01.07.2024 passed by the learned Judicial Magistrate-1st Class, Ranchi in connection with Complaint Case No.3827 of 2017 by which the non-bailable warrant of arrest has been issued against the petitioner, accordingly, the same is rejected as not pressed.

3. Learned counsel for the petitioner confines his prayer only to quash the order dated 20.01.2026 passed by the learned Judicial Magistrate-1st Class, Ranchi in connection with Complaint Case No.3827 of 2017 whereby and where the learned Judicial Magistrate-1st Class, Ranchi has issued proclamation under Section 82 of the Code of Criminal Procedure which corresponds to Section 84 of the BNSS, 2023.

4. Learned counsel for the petitioner submits that the proclamation under Section 82 of Cr.P.C. which corresponds to Section 84 of the BNSS, 2023 has been issued vide order dated 20.01.2026 without following the due process of law and without recording the satisfaction that the petitioner is absconding or concealing herself to evade her arrest which is a *sine qua non* for issuing proclamation under Section 82 of Cr.P.C. which corresponds to Section 84 of the BNSS, 2023, that too without fixing any time and place for appearance of the petitioner, who is the accused person of the said case. Hence, it is submitted that the order dated 20.01.2026 passed by the learned Judicial Magistrate-1st Class, Ranchi in connection

with Complaint Case No.3827 of 2017 whereby and where the learned Judicial Magistrate-1st Class, Ranchi has issued proclamation under Section 82 of the Code of Criminal Procedure which corresponds to Section 84 of the BNSS, 2023, be quashed.

5. Learned Addl.P.P. appearing for the State vehemently opposes the prayer for quashing the order dated 20.01.2026 passed by the learned Judicial Magistrate-1st Class, Ranchi in connection with Complaint Case No.3827 of 2017 whereby and where under the learned Judicial Magistrate-1st Class, Ranchi has issued proclamation under Section 82 of the Code of Criminal Procedure which corresponds to Section 84 of the BNSS, 2023 and submits that the very fact that the proclamation has been issued against the petitioner, the petitioner was supposed to appear before the court concerned after 30 days of the proclamation during court hours, hence, it is submitted that there being no illegality in the impugned order, this Criminal Miscellaneous Petition, being without any merit, be dismissed.

6. Having heard the rival submissions made at the Bar and after carefully going through the 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. which corresponds to Section 84 of the BNSS, 2023 must record its satisfaction that the accused in respect of whom the proclamation under Section 82 of Cr.P.C. which corresponds to Section 84 of the BNSS, 2023 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. which corresponds to Section 84 of the BNSS, 2023 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. which corresponds to Section 84 of the BNSS, 2023 is issued. As already indicated above since the learned Judicial Magistrate-1st Class, Ranchi has neither recorded its satisfaction that the petitioner is absconding or concealing herself to evade her arrest nor fixed any time or place for appearance of the petitioner, this Court has no hesitation in holding that the learned Judicial Magistrate-1st Class, Ranchi has committed a grave illegality by issuing the said proclamation under Section 82 of Cr.P.C. which corresponds to Section 84 of the BNSS, 2023 without complying the mandatory requirement of law. Hence, the same is not sustainable in law and the continuation of the same will amount to abuse of process of law. Thus, this is a fit case where the order dated 20.01.2026 passed by the learned Judicial Magistrate-1st Class, Ranchi in connection with Complaint Case No.3827 of 2017 whereby and where the learned Judicial Magistrate-1st Class, Ranchi has issued proclamation under Section 82 of the Code of Criminal Procedure which corresponds to Section 84 of the BNSS, 2023, be quashed and set aside *qua* the petitioner only.

7. Accordingly, the order dated 20.01.2026 passed by the learned Judicial Magistrate-1st Class, Ranchi in connection with Complaint Case No.3827 of 2017 whereby and where under the learned Judicial Magistrate-1st Class, Ranchi has issued proclamation under Section 82 of

the Code of Criminal Procedure which corresponds to Section 84 of the BNSS, 2023, is quashed and set aside *qua* the petitioner only.

8. The learned Judicial Magistrate-1st Class, Ranchi may pass a fresh order in accordance with law.

9. In the result, this Cr.M.P. stands allowed.

(Anil Kumar Choudhary, J.)

High Court of Jharkhand, Ranchi
Dated the 24th of June, 2026
AFR/ Abhiraj

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