

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No.1081 of 2024

Bauri Singh Sardar @ Sampurna Singh @ Bauri Singh, aged about 28
years, son of Sukhlal Singh @ Sukhal Singh Sardar, resident of
Village - Jareyadih, P.O. & P.S. - Chandil, District- Seraikella-
Kharsawan ... Petitioner

Versus

1. The State of Jharkhand
2. Victim ... Opposite Parties

For the Petitioner : Mr. Ram Chandra Pd. Sah, Advocate
For the State : Mr. Subodh Kr. Dubey, Addl.P.P.
For the O.P. No.2 : Mr. Aman Kumar, Advocate

P R E S E N T

HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

***By the Court:-* I.A. No.15060 of 2025 and I.A. No.16306 of 2025**

Heard the parties.

Learned counsel for the petitioner submits that the petitioners do
not press these interlocutory applications.

Accordingly, these interlocutory applications stand rejected as
not pressed.

(Anil Kumar Choudhary, J.)

Cr.M.P. No.1081 of 2024

This Criminal Miscellaneous Petition has been filed invoking the
jurisdiction of this Court under Section 482 of the Code of Criminal
Procedure, 1973 with the prayer to set aside the order dated 01.03.2024
passed by the learned Sub-Divisional Judicial Magistrate at Chandil

arising out of C.C. Case No.412 of 2023 which has later been converted to Chandil P.S. Case No.04 of 2024.

2. Learned counsel for the petitioner submits that the learned Sub-Divisional Judicial Magistrate, Chandil vide order dated 01.03.2024 passed in connection with Chandil P.S. Case No.04 of 2024 arising out of C.C. Case No.412 of 2023, has directed for issuance of the proclamation under Section 82 of the Cr.P.C. without fixing the time and place for appearance of the accused person of the case, who is the petitioner herein in the instant Cr.M.P. It is further submitted that since the learned Sub-Divisional Judicial Magistrate, Chandil has not fixed the time and place for appearance of the petitioner, hence, it is submitted that the impugned order is not in accordance with law. Therefore, it is submitted that the prayer, as prayed for in the instant Cr.M.P., be allowed.

3. Learned Addl. P.P appearing for the State and the learned counsel for the opposite party No.2 on the other hand submit that since it is expected that the petitioner who is the accused person of the case, was supposed to appear before the court concerned during the court hours after thirty (30) days of the promulgation of the written proclamation, hence, non-mentioning of the place and time for appearance of the petitioner, will not vitiate the proclamation order. Hence, it is submitted that this Cr.M.P., being without any merit, be dismissed.

4. 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. after being satisfied that the accused person of the case is absconding and concealing himself to evade his arrest, it must fix the time and place for appearance of the accused in the order itself in respect of whom such proclamation is issued.

5. Now, coming to the facts of the case; since the learned Sub-Divisional Judicial Magistrate, Chandil has not fixed any time or place for appearance of the petitioner who is the accused person of the case concerned, hence, this Court has no hesitation in holding that the learned Sub-Divisional Judicial Magistrate, Chandil 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 and this is a fit case where the order dated 01.03.2024 passed by the learned Sub-Divisional Judicial Magistrate, Chandil arising out of C.C. Case No.412 of 2023 which has later been converted to Chandil P.S. Case No.04 of 2024, be quashed and set aside.

6. Accordingly, the order dated 01.03.2024 passed by the learned Sub-Divisional Judicial Magistrate, Chandil arising out of C.C. Case No.412 of 2023 which has later been converted to Chandil P.S. Case No.04 of 2024, is quashed and set aside against the petitioner.

7. The learned Sub-Divisional Judicial Magistrate, Chandil may pass a fresh order in accordance with law.

8. This Criminal Miscellaneous Petition stands allowed to the aforesaid extent only.

(Anil Kumar Choudhary, J.)

High Court of Jharkhand, Ranchi
Dated the 29th of January, 2026
AFR/ Animesh
Uploaded on- 03/02/2026