

**IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No.2559 of 2023**

Md. Faizan Muina @ Mohd Faizan Muin, aged about 29 years, S/o
Muin Ahmed R/o Village-Upadhyay Karawa Kithore, P.O. & P.S.-
Kithore, District-Meerut (Uttar Pradesh).

... Petitioner

Versus

The State of Jharkhand ... Opposite Party

For the Petitioner : Mr. Kripa Shankar Nanda, Advocate
For the State : Mr. V.K. Vashistha, Spl.P.P.

P R E S E N T

HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

By the Court:- Heard the parties.

2. This Criminal Miscellaneous Petition has been filed invoking the jurisdiction of this Court under Section 482 of the Code of Criminal Procedure with a prayer to quash the order dated 24.06.2023 passed by the learned Judicial Commissioner, Ranchi in Criminal Revision No.272 of 2023 whereby and where under the learned Judicial Commissioner, Ranchi has dismissed the criminal revision filed against the order dated 28.03.2023 passed by the learned Chief Judicial Magistrate, Ranchi in connection with Kotwali P.S. Case No.255 of 2017 registered for the offences punishable under Section 420/34 of the Indian Penal Code whereby and where the learned Chief Judicial Magistrate, Ranchi has issued proclamation under Section 82 of the Code of Criminal Procedure against the petitioner.

3. Learned counsel for the petitioner submits that the proclamation under Section 82 of Cr.P.C. has been issued vide order dated 28.03.2023 being not in accordance with law as the time and place for appearance of the accused person of the case has not been mentioned therein and as the learned Judicial Commissioner, Ranchi has failed to take note of the said grave error committed by the learned Chief Judicial Magistrate, Ranchi and went on to uphold the same vide its order dated 24.06.2023 in Criminal Revision No.272 of 2023, hence, both the said orders are not in accordance with law and the same is liable to be quashed and set aside.

4. Learned Spl.P.P. appearing for the State vehemently opposes the prayer and submits that even though it has not been specifically mentioned the time for appearance of the accused person-petitioner in the impugned order, but it is crystal clear that the petitioner is to appear before the court concerned on any date after a month of such proclamation being made under Section 82 of Cr.P.C. Hence, it is submitted that this Criminal Miscellaneous Petition, being without any merit, be dismissed.

5. 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. 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 Chief Judicial Magistrate, Ranchi has not mentioned any time or place for appearance of the petitioner, this Court has no hesitation in holding that the order dated 28.03.2023 passed by the learned Chief Judicial Magistrate, Ranchi in Kotwali P.S. Case No.255 of 2017 is not sustainable in law and as the learned Judicial Commissioner, Ranchi by the order dated 24.06.2023 passed in Criminal Revision No.272 of 2023 has also failed to take note of the said grave error committed by the learned Chief Judicial Magistrate, Ranchi, in issuing the written proclamation under Section 82 of the Cr.P.C., hence, this Court has no hesitation in holding that the order dated 24.06.2023 passed by the learned Judicial Commissioner, Ranchi in Criminal Revision No.272 of 2023 is also not sustainable in law.

6. In view of the discussion made above, the continuation of the same will amount to abuse of process of law and this is a fit case where the order dated 24.06.2023 passed by the learned Judicial Commissioner, Ranchi in Criminal Revision No.272 of 2023 as well as the order dated 28.03.2023 passed by the learned Chief Judicial Magistrate, Ranchi in connection with Kotwali P.S. Case No.255 of 2017 registered for the offences punishable under Section 420/34 of the Indian Penal Code, be quashed and set aside *qua* the petitioner only.

7. Accordingly, the order dated 24.06.2023 passed by the learned Judicial Commissioner, Ranchi in Criminal Revision No.272 of 2023 as well as the order dated 28.03.2023 passed by the learned Chief Judicial Magistrate, Ranchi in connection with Kotwali P.S. Case No.255 of 2017 registered for the offences punishable under Section 420/34 of the Indian Penal Code, is quashed and set aside *qua* the petitioner only.

8. The learned Chief Judicial Magistrate, Ranchi and its successor court 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 27th of November, 2025
AFR/ Abhiraj

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