

**IN THE HIGH COURT OF JHARKHAND AT RANCHI**  
**Cr.M.P. No.3469 of 2023**

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Md. Wasim Ansari @ Wasim Ansari @ Bhola, aged about 43 years,  
son of Kamruddin Ansari, resident of Tilayiatand, Chandwa, P.O.  
& P.S. Chandwa, District- Latehar.

... Petitioner

***Versus***

1. The State of Jharkhand
2. Shakil Akhtar, aged 36 years, son of Barik Ansari, resident of  
Ward No.4, Star Colony, Powerganj, P.O. & P.S.- Lohardaga,  
District- Lohardaga.

... Opposite Parties

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| For the Petitioner | : Mr. Rohan Mazumdar, Advocate<br>Mrs. Jasvinder Mazumdar, Advocate<br>Mrs. Neeharika Mazumdar, Advocate |
| For the State      | : Mr. Vineet Kumar Vashistha, Spl.P.P.                                                                   |
| For the OP No.2    | : Mr. Manoj Prasad, Advocate<br>Mr. Santosh Kumar Soni, Advocate                                         |

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**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 12.09.2023 passed by the learned Chief Judicial Magistrate, Lohardaga in connection with Complaint Case No.60 of 2021 whereby and where under the learned Chief Judicial Magistrate has directed to issue proclamation under Section 82 of the Code of Criminal Procedure.

3. The brief fact of the case is that on 12.09.2023, the learned Chief Judicial Magistrate, Lohardaga directed for issuance of proclamation under

Section 82 of the Code of Criminal Procedure mentioning therein that the accused person must appear before the court of the learned Chief Judicial Magistrate, Lohardaga on or before 18.09.2023 at 10:30 AM.

4. Learned counsel for the petitioner draws attention of this Court to Section 82(1) of the Code of Criminal Procedure and submits that if any court issues the proclamation under Section 82 of the Code of Criminal Procedure, it must require the accused person to appear at specified place at a specified time not less than 30 days from the date of publishing of the proclamation but the order of proclamation having been passed on 12.09.2023; assuming for the sake of argument that on the same date the proclamation was made, the date fixed for appearance of the petitioner ought to have been on any date on or before 11.10.2023 but the date has been fixed to the accused-petitioner to appear is on or before 18.09.2023. Hence, it is submitted that the order dated 12.09.2023 passed by the learned Chief Judicial Magistrate, Lohardaga in connection with Complaint Case No.60 of 2021 being not in consonance with law, be quashed and set aside.

5. Learned Spl.P.P. appearing for the State and the learned counsel for the opposite party No.2 oppose the prayer of the petitioner made in this Criminal Miscellaneous Petition.

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 Section 82(1) of the Code of Criminal Procedure which reads as under:-

*“82. Proclamation for person absconding. – (1) If any Court has reason to believe (whether after taking evidence or not) that any person against whom a warrant has been issued by it has absconded or is concealing himself so that such warrant cannot be executed, such Court may publish a written proclamation*

requiring him to appear at a specified place and at a specified time not less than thirty days from the date of publishing such proclamation." (Emphasis supplied)

mandates that if any court has reason to believe that any person against whom warrant has been issued by such court has absconded or is concealing himself to evade his arrest so that such warrant cannot be executed then, such court may publish written proclamation requiring accused person to appear at a specified place and at a specified time not less than thirty days from the date of publishing of such proclamation.

7. Now coming to the facts of the case, undisputed fact remains that though the proclamation under Section 82 of the Code of Criminal Procedure was directed to be issued on 12.09.2023, the time and place fixed for appearance of the accused person is on or before 18.09.2023 at 10:30 AM, which is within the period of 30 days from the date of publishing the proclamation, assuming for the sake of argument that on the date of order itself i.e. on 12.09.2023, the proclamation was issued. Hence, this Court has no hesitation in holding that the learned Chief Judicial Magistrate, Lohardaga has committed grave illegality by fixing date and time for appearance of the petitioner who is the accused person of the Complaint Case No.60 of 2021 or within 30 days from the date of publishing of such proclamation. Hence, the order dated 12.09.2023 passed by the learned Chief Judicial Magistrate, Lohardaga in connection with Complaint Case No.60 of 2021 is not in accordance with law. Therefore, the same is liable to be quashed and set aside.

8. Accordingly, the order dated 12.09.2023 passed by the learned Chief Judicial Magistrate, Lohardaga in connection with Complaint Case No.60 of 2021 is quashed and set aside.

9. The learned Chief Judicial Magistrate, Lohardaga may pass a fresh order in accordance with law.

10. In the result, this Criminal Miscellaneous Petition is allowed.

**(Anil Kumar Choudhary, J.)**

High Court of Jharkhand, Ranchi  
Dated the 09<sup>th</sup> of July, 2025  
AFR/ Saroj