

**IN THE HIGH COURT OF JHARKHAND AT RANCHI  
Cr.M.P. No.658 of 2026**

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Md. Sabat, aged about 31 years, son of Md. Rustam Ali, Resident of Baghakol, P.O. & P.S.-Basantrai, District Godda, State Jharkhand, PIN Code-814156.

... Petitioner

*Versus*

The State of Jharkhand

...

Opposite Party

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For the Petitioner : Mr. Rohan Mazumdar, Advocate  
For the State : Mr. Pankaj Kr. Mishra, Addl.P.P.

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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 528 of the BNSS, 2023 with the prayer to quash the order dated 14.08.2024 passed by the learned Chief Judicial Magistrate, Godda in connection with Basantrai P.S. Case No.40 of 2023 corresponding to G.R. (S) Case No.50 of 2024 registered for the offences punishable under Section 364, 506, 120B & 34 of the Indian Penal Code whereby and where the learned Chief Judicial Magistrate, Godda has issued proclamation under Section 82 of the Code of Criminal Procedure.

3. Learned counsel for the petitioner submits that the proclamation under Section 82 of Cr.P.C. has been issued vide order dated 14.08.2024 without following the due process of law and without recording the satisfaction that the petitioner is absconding or concealing himself to

evade his arrest which is a *sine qua non* for issuing proclamation under Section 82 of Cr.P.C., that too without fixing any time or place for appearance of the petitioner, who is the accused person of the said case. Hence, it is submitted that the order dated 14.08.2024 passed by the learned Chief Judicial Magistrate, Godda in connection with Basantrai P.S. Case No.40 of 2023 corresponding to G.R. (S) Case No.50 of 2024 whereby and whereunder the learned Chief Judicial Magistrate, Godda has issued proclamation under Section 82 of the Code of Criminal Procedure, be allowed.

4. Learned Addl.P.P. appearing for the State vehemently opposes the prayer for quashing the order dated 14.08.2024 passed by the learned Chief Judicial Magistrate, Godda in connection with Basantrai P.S. Case No.40 of 2023 corresponding to G.R. (S) Case No.50 of 2024 whereby and whereunder the learned Chief Judicial Magistrate, Godda has issued proclamation under Section 82 of the Code of Criminal Procedure and submits that the very fact that the learned Chief Judicial Magistrate, Godda has issued the proclamation under Section 82 of Cr.P.C. itself shows that there were materials available in the record for the learned Chief Judicial Magistrate, Godda to be satisfied that there is justification for issuance of such proclamation. 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, Godda has neither recorded its satisfaction that the petitioner is absconding or concealing himself to evade his arrest nor fixed any time or place for appearance of the petitioner, this Court has no hesitation in holding that the learned Chief Judicial Magistrate, Godda has committed a grave illegality by issuing the said proclamation under Section 82 of Cr.P.C. without complying 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. Therefore, this is a fit case where the order dated 14.08.2024 passed by the learned Chief Judicial Magistrate, Godda in connection with Basantrai P.S. Case No.40 of 2023 corresponding to G.R. (S) Case No.50 of 2024 whereby and where under the learned Chief Judicial Magistrate, Godda has issued proclamation under Section 82 of the Code of Criminal Procedure, be quashed and set aside *qua* the petitioner only.

6. Accordingly, the order dated 14.08.2024 passed by the learned Chief Judicial Magistrate, Godda in connection with Basantrai P.S. Case No.40

of 2023 corresponding to G.R. (S) Case No.50 of 2024 whereby and where under the learned Chief Judicial Magistrate, Godda has issued proclamation under Section 82 of the Code of Criminal Procedure, is quashed and set aside *qua* the petitioner only.

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

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

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

High Court of Jharkhand, Ranchi  
Dated the 16<sup>th</sup> of March, 2026  
AFR/ Abhiraj

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