

**IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No.556 of 2026**

Prakash Pradhan, aged about 62 years, Son of Sri A Pradhan,
resident of 6th Lane, Anant Nagar, TATA Benz Square, Komapalli,
Berhampur, P.O.- Hill Patna, P.S. Baidyanathpur, Berhampur,
District Ganjam, Odisha- 760005

... Petitioner

Versus

The State of Jharkhand

...

Opposite Party

For the Petitioner : Mr. Parth S.A.S. Pati, Advocate

For the State : Mr. Shahabuddin, SC-VII

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 B.N.S.S., 2023 with several prayers, but at the outset, it is submitted by the learned counsel for the petitioner that the petitioner does not press the prayers to quash the orders dated 13.01.2023 and 31.05.2023, but confines his prayer only to quash the orders dated 13.09.2023 and 18.06.2024 passed by the learned Sub-Divisional Judicial Magistrate, Porahat at Chaibasa in connection with Chakardharpur P.S. Case No.22 of 2010 corresponding to G.R. Case No.42 of 2010 registered for the offences punishable under Section 409, 420 & 120B of the Indian Penal Code whereby and where under the learned Sub-Divisional Judicial Magistrate,

Porahat at Chaibasa has issued the proclamation under Section 82 of the Code of Criminal Procedure *inter alia* against the petitioner.

3. Accordingly, the prayers to quash the orders dated 13.01.2023 and 31.05.2023 passed by the learned Sub-Divisional Judicial Magistrate, Porahat at Chaibasa in connection with Chakardharpur P.S. Case No.22 of 2010 corresponding to G.R. Case No.42 of 2010, are rejected as not pressed.

4. Learned counsel for the petitioner submits that the proclamation under Section 82 of the Code of Criminal Procedure has been issued vide orders dated 13.09.2023 and 18.06.2024 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 the Code of Criminal Procedure, 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 prayer to quash and set aside the orders dated 13.09.2023 and 18.06.2024 passed by the learned Sub-Divisional Judicial Magistrate, Porahat at Chaibasa in connection with Chakardharpur P.S. Case No.22 of 2010 corresponding to G.R. Case No.42 of 2010, be allowed.

5. Learned Standing Counsel-VII appearing for the State vehemently opposes the prayer for quashing the orders dated 13.09.2023 and 18.06.2024 passed by the learned Sub-Divisional Judicial Magistrate, Porahat at Chaibasa in connection with Chakardharpur P.S. Case No.22 of 2010 corresponding to G.R. Case No.42 of 2010 and submits that the very fact that the learned Sub-Divisional Judicial Magistrate, Porahat at Chaibasa has issued the proclamation

under Section 82 of the Code of Criminal Procedure itself shows that there were materials available in the record for the learned Sub-Divisional Judicial Magistrate, Porahat at Chaibasa 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.

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 the Code of Criminal Procedure must record its satisfaction that the accused in respect of whom the proclamation under Section 82 of the Code of Criminal Procedure is made, is absconding or concealing himself to evade his arrest and in case the court decides to issue the proclamation under Section 82 of the Code of Criminal Procedure, it must mention the time and place for appearance of the petitioner in the order itself by which the proclamation under Section 82 of the Code of Criminal Procedure is issued.

7. As already indicated above since the learned Sub-Divisional Judicial Magistrate, Porahat at Chaibasa 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 Sub-Divisional Judicial Magistrate, Porahat at Chaibasa has committed illegality by issuing the said proclamation under Section 82 of the Code of Criminal Procedure 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 orders dated 13.09.2023 and 18.06.2024 passed by the learned Sub-Divisional Judicial Magistrate, Porahat at Chaibasa in connection with Chakardharpur P.S. Case No.22 of 2010 corresponding to G.R. Case No.42 of 2010, be quashed and set aside against the petitioner named above.

8. Accordingly, the orders dated 13.09.2023 and 18.06.2024 passed by the learned Sub-Divisional Judicial Magistrate, Porahat at Chaibasa in connection with Chakardharpur P.S. Case No.22 of 2010 corresponding to G.R. Case No.42 of 2010, is quashed and set aside against the petitioner named above.

9. The learned Sub-Divisional Judicial Magistrate, Porahat at Chaibasa may pass a fresh order in accordance with law.

10. In the result, this Criminal Miscellaneous Petition is allowed to the aforesaid extent only.

(Anil Kumar Choudhary, J.)

High Court of Jharkhand, Ranchi
Dated the 09th of March, 2026
AFR/ Saroj

Uploaded on 10/03/2026