
(2025) 10 JH CK 0041

Jharkhand HC

Case No: Criminal Miscellaneous Petition No.2584 Of 2020

Sudev Pal @ Sudeo Pal

APPELLANT

Vs

State Of Jharkhand

RESPONDENT

Date of Decision: Oct. 14, 2025

Acts Referred:

- Code of Criminal Procedure, 1973 — Section 82, 482

Hon'ble Judges: Anil Kumar Choudhary, J

Bench: Single Bench

Advocate: Avik Ghose, Chandrajit Mukherjee, Ashutosh Anand, Bineet Chandra, Dilip Kumar Karmakar

Final Decision: Allowed

Judgement

Anil Kumar Choudhary, J

1. Heard the parties.

2. This Criminal Miscellaneous Petition has been filed invoking the jurisdiction of this Court under Section 482 of the Cr.P.C. with several prayers but the learned counsel for the petitioners submits that the petitioners abandon all other prayers and confine the prayer only to quash the order dated 24.07.2019 passed by the learned Judicial Magistrate-1st Class, Jamshedpur in connection with Telco P.S. Case no.244 of 2015 corresponding to G.R. Case No.1455 of 2015 by which the learned Judicial Magistrate-1st Class, Jamshedpur has directed for issuance of the proclamation under Section 82 of the Code of Criminal Procedure without fixing any time or place for appearance of the petitioner No.1, who is the accused person of the said case.

3. Accordingly, all other prayers except the prayer to quash the order dated 24.07.2019 passed by the learned Judicial Magistrate-1st Class, Jamshedpur in connection with Telco P.S. Case no.244 of 2015 corresponding to G.R. Case No.1455 of 2015, are rejected as not pressed.

4. Learned counsel for the petitioners submits that vide order dated 24.07.2019, the proclamation under Section 82 of Cr.P.C. has been issued against the petitioner No.1 without following the due

process of law and without fixing any time and place for appearance of the petitioner No.1 who is the accused person of the said case. Hence, it is submitted that the order dated 24.07.2019 is not in accordance with law and the same be quashed and set aside.

5. Learned counsel appearing for the State on the other hand vehemently opposes the prayer of the petitioner No.1 made in this Criminal Miscellaneous Petition and submits that though the time and place for appearance of the petitioner No.1 has not been specifically mentioned in the impugned order dated 24.07.2019 passed by the learned Judicial Magistrate-1st Class, Jamshedpur but it is expected that the petitioner No.1 was supposed to appear before the court concerned after 30 days from the date of the proclamation under Section 82 of the Code of Criminal Procedure. 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 after recording 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, it must also specifically mention the time and place for appearance of the accused person of the case in respect of whom the said proclamation under Section 82 of the Code of Criminal Procedure is issued, in the order itself by which the said proclamation is issued.

7. As already indicated above since the learned Judicial Magistrate-1st Class, Jamshedpur, vide order dated 24.07.2019 passed in connection with Telco P.S. Case no.244 of 2015 corresponding to G.R. Case No.1455 of 2015, has not fixed any time or place for appearance of the petitioner No.1 in the order itself by which the proclamation under Section 82 of Cr.P.C. has been issued, hence, this Court has no hesitation in holding that the learned Judicial Magistrate-1st Class, Jamshedpur 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. Therefore, this is a fit case where the order dated 24.07.2019 passed by the learned Judicial Magistrate-1st Class, Jamshedpur in connection with Telco P.S. Case no.244 of 2015 corresponding to G.R. Case No.1455 of 2015, be quashed and set aside qua the petitioner No.1 only.

8. Accordingly, the order dated 24.07.2019 passed by the learned Judicial Magistrate-1st Class, Jamshedpur in connection with Telco P.S. Case no.244 of 2015 corresponding to G.R. Case No.1455 of 2015, is quashed and set aside qua the petitioner No.1 only.

9. The learned Judicial Magistrate-1st Class, Hazaribagh may pass a fresh order in accordance with law.

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