

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

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CRM-M-28914-2022(O&M)

Date of decision: 08.07.2022

MANPREET SINGH @ MANNY

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present : Mr. Sukhjit Singh, Advocate
for the petitioner.

VINOD S. BHARDWAJ. J. (ORAL)

The instant petition has been filed under Section 482 of the Code of Criminal Procedure for quashing the order dated 01.09.2021 passed by Additional Chief Judicial Magistrate, Tarn Taran against the petitioner in case FIR No.34 dated 31.03.2021 under Sections 452, 323, 324, 325, 326, 506, 148, 149 and 427 of the Indian Penal Code, 1860 registered at Police Station Sadar Tarn Taran, District Tarn Taran.

Learned counsel for the petitioner has contended that the FIR in question has been registered for the offences punishable under Sections as aforementioned and as such, he could not have been declared as a 'proclaimed offender', however, vide the impugned order dated 01.09.2021 the petitioner has been declared as a 'proclaimed offender' since the same can be issued only with respect to the offences specified under Section 82(4) CrPC. As the offences for which the FIR had been registered do not fall in the category of the specified offences, the impugned order dated 01.09.2021 passed by the Additional Chief Judicial Magistrate is liable to be set aside.

I have heard learned counsel for the petitioner and have also gone through the impugned order where a reference is made to the petitioner being declared as a proclaimed offender.

The relevant extract of the same reads thus:-

“Accordingly, the accused Manpreet Singh @ Sunny son of Kuldeep Singh, Harpreet Singh @ Meka son of Jaswant Singh and Jarman Singh Jammu son of Sarwan Singh are declared Proclaimed Offender in terms of Section 82(1) Criminal Procedure Code.”

A bare perusal of the same clearly shows that the order impugned before this Court has been passed in exercise of the jurisdiction under Section 82(1) of the Code of Criminal Procedure. An order has to be read constructively and as a whole. A mis-description used in the order would not by itself render the order liable to be set aside. Perusal of the order clearly shows that the same has actually been passed in the exercise of power under Section 82(1) CrPC and not in terms of Section 82(4) CrPC. Resultantly, a mere use of the term 'proclaimed offender' while specifically mentioning the jurisdiction exercised has to be read in the said context alone. Hence the description of the order clearly says that the order has been passed in exercise of powers vested in the Court under Section 82(1) of the Code of Criminal Procedure, the interpretation of the order must follow the jurisdiction so invoked. The error is only typographical and does not go into the root of the cause. No other point has been urged impugning the order on the sustainability thereof.

The present petition is accordingly disposed of.

(VINOD S. BHARDWAJ)
JUDGE

July 08, 2022

S.Sharma(syr)

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>