IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No. 2822 of 2026

Jagdish Sharma, aged about 53 years, s/o Ramveer Sharma, r/o Village-Nagla Kashi Parsa Road, P.O.-Nagla, Hapur, P.S.-Dholana (Kapoorpur), Dist.-Hapur, Uttar Pradesh

.... Petitioner

Versus

The State of Jharkhand

…. Opp. Parties

P R E S E N T

HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

…..

For the Petitioner : Mr. Raj Nandan Chatterjee, Advocate
: Ms. Juhi Kumari, Advocate
: Ms. Priya Saw, Advocate
For the State : Mr. Shailendra Kr. Tiwari, Spl. P.P.

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By the Court:-

1. Heard the parties.

2. This criminal miscellaneous petition has been filed invoking the jurisdiction of this Court under Section 528 of B.N.S.S., 2023 with twin prayers i.e. to quash the order dated 16.12.2024 passed by the learned Additional Sessions Judge-II-cum-Cyber Crime, Spl. Court, Deoghar in connection with Deoghar Cyber P.S. Case No. 28 of 2021 whereby and where under, non-bailable warrant of arrest has been issued against the petitioner and also to quash the order dated 23.03.2026 passed by the learned Additional Sessions Judge-II (I/C), Deoghar in connection with the said case by which proclamation under Section 82

of Cr.P.C. has been ordered to be issued against the petitioner.

3. At the outset, learned counsel for the petitioner do not press the prayer to quash the order dated 16.12.2024 passed by the learned Additional Sessions Judge-II-cum-Cyber Crime, Spl. Court, Deoghar in connection with Deoghar Cyber P.S. Case No. 28 of 2021.

4. Accordingly, the order dated 16.12.2024 passed by the learned Additional Sessions Judge-II-cum-Cyber Crime, Spl. Court, Deoghar in connection with Deoghar Cyber P.S. Case No. 28 of 2021 is rejected as not pressed.

5. So far as the order dated 23.03.2026 passed by the learned Additional Sessions Judge-II (I/C), Deoghar in connection with Deoghar Cyber P.S. Case No. 28 of 2021 is concerned, it is submitted by the learned counsel for the petitioner that in the said case the learned Additional Sessions Judge-II (I/C), Deoghar has ordered for issue of the proclamation under Section 82 Cr.P.C. without recording its satisfaction that the petitioner who is the accused of the said case is absconding or concealing himself to evade his arrest that too without fixing any time and place for appearance of the petitioner therefore, the same is not sustained in law. Hence, it is submitted that the prayer as made in this criminal miscellaneous petition be allowed.

6. Learned Special Public Prosecutor on the other hand opposes the prayer and submits that the very fact that the learned Additional Sessions Judge-II (I/C), Deoghar has issued the proclamation under Section 82 of Cr.P.C. itself shows that there were materials available in the record for the learned Additional Sessions Judge-II (I/C), Deoghar 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.

7. Having heard the submissions made at the Bar and after going through the materials 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 Additional Sessions Judge-II (I/C), Deoghar 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; who is the accused person of this case, this Court has no hesitation in holding that the learned Additional Sessions Judge-II (I/C), Deoghar has committed a grave illegality by ordering for issue of 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 23.03.2026 passed by the learned Additional Sessions Judge-II (I/C), Deoghar in connection with Deoghar Cyber P.S. Case No. 28 of 2021 be quashed and set aside.

8. Accordingly, the order dated order dated 23.03.2026 passed by the learned Additional Sessions Judge-II (I/C), Deoghar in connection with Deoghar Cyber P.S. Case No. 28 of 2021, is quashed and set aside qua the petitioner.

9. The learned Additional Sessions Judge-II (I/C), Deoghar 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 15th September, 2026
AFR/Gunjan/-

Uploaded on 16/09/2026