IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No. 2882 of 2026

Tapas Kalewar @ Tapas Kanwar, aged about 37 years, son of Shree Kumar Bhagat, resident of village Rajgram, P.O. & P.S.- Muraroi, Dist.- Birbhum, State- West Bengal
…….. Petitioner
Versus
The State of Jharkhand …….. Opposite Party

For the Petitioner : Ms. J. Mazumdar, Adv.
For the State : Mr. Rajesh Kumar, Addl. PP

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 BNSS with the prayer of quashing and setting aside the orders dated 28.11.2011, 07.01.2012, 07.01.2013, 25.07.2013, 16.06.2015 all passed by learned CJM, Pakur and the orders dated 18.06.2026 and 16.07.2026, all passed by learned JMFC, Pakur in connection with G.R. case no. 575 of 2010 arising out of Pakur Town P.S. case no. 225 of 2010 whereby and where under the learned court below directed for issuance of Warrant of Arrest, Non-Bailable Warrant of Arrest, process under Section 82 and 83 of CrPC, again process under Section 83 of CrPC and order to proceed under Section 299(1)A of CrPC respectively *inter alia* against the petitioner.

3. At the outset, it is submitted by learned counsel for the petitioner that the petitioner does not press the prayer to quash the order dated 18.06.2026 as no property of the petitioner has been attached as yet. So, the prayer to quash the orders dated 18.06.2026 passed by learned JMFC, Pakur in connection with G.R. case no. 575 of 2010 arising out of

Pakur Town P.S. case no. 225 of 2010 is rejected as not pressed.

4. It is further submitted by learned counsel for the petitioner that the petitioner undertakes to surrender before the court below on or before 24.09.2026 and since the said G.R. case no. 575 of 2010 is next fixed on 24.09.2026 for supply of police paper to the counsel appointed by the Secretary, DLSA for 'Trial *in absentia*' *inter alia* against the petitioner, hence, the petitioner also does not press the prayer to quash the order dated 16.07.2026 in connection with the aforesaid case. Hence, the order dated 16.07.2026 passed by learned JMFC, Pakur in connection with G.R. case no. 575 of 2010 arising out of Pakur Town P.S. case no. 225 of 2010 is also rejected as not pressed.
5. Learned counsel for the petitioner submits that vide order dated 07.01.2013 bailable warrant of arrest and by the impugned orders on different dates as mentioned above, non-bailable warrant of arrest has been issued without receipt of the service report of summon issued to the petitioner or even the execution report of the bailable warrant of arrest issued against the petitioner being received back in the record and proclamation under Section 82 of CrPC, has been issued without recording any satisfaction that the petitioner is absconding or concealing himself to evade his arrest and that too, without fixing any time or place for appearance of the petitioner, hence, it is submitted that the prayer to quash and the set aside the orders dated 28.11.2011, 07.01.2012, 07.01.2013, 25.07.2013, 16.06.2015 all passed by learned CJM, Pakur in connection with G.R. case no. 575 of 2010 arising out of Pakur Town P.S. case no. 225 of 2010 as made in this Criminal Miscellaneous Petition be allowed.
6. Learned Addl. PP on the other hand vehemently opposes the prayer and submits that the very fact that the learned

Chief Judicial Magistrate, Pakur has issued the Warrant of Arrest, Non-Bailable Warrant of Arrest and proclamation under Section 82 of CrPC goes to show that there were sufficient materials in the record for learned CJM, Pakur to be satisfied for passing of such orders, 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 materials available in the record, this Court finds that in this case, bailable warrant of arrest and Non Bailable Warrant of Arrest has been issued against the petitioner, even though the service report of the summon issued to him by the court of learned CJM, Pakur itself, were not received back in the record nor the execution report of the bailable warrant of arrest has been received by the court concerned. Accordingly, the bailable warrant of arrest and Non-Bailable Warrants of Arrest directed to be issued against the petitioner without service report of the summons or the execution report of the bailable warrant of arrest, issued by the court itself having not been received by the court, all such bailable warrant of arrest and Non - Bailable Warrant of Arrest issued by the orders as mentioned above are quashed and set aside against the petitioner.

8. So far as the orders by which the proclamation under Section 82 of CrPC, has been issued without recording any satisfaction by learned CJM, Pakur that the petitioner is absconding or concealing himself to evade his arrest and that too, without fixing any time and place for appearance of the petitioner who is one of the accused persons of the case, hence, the said orders by which the proclamation under Section 82 of CrPC, has been issued against the petitioner are also quashed and set aside qua the petitioner only.

9. Since the petitioner has undertaken to appear before learned trial court on or before 24.09.2026, hence, the learned trial

court is directed to take all coercive steps, if the petitioner fails to appear before the court concerned on or before 24.09.2026.

10. This Criminal Miscellaneous Petition is allowed with the aforesaid direction.

11. The copy of this judgment be communicated through FAX to the court concerned on deposit of Rs. 100/- per page to be borne by the petitioner.

(Anil Kumar Choudhary, J.)

High Court of Jharkhand, Ranchi
Dated, the 17th September, 2026
Smita / AFR

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