IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No.2878 of 2026

Arvind Kispotta, son of Late Polikarp Kispotta, aged about 40 years, resident of Village Kewarki, P.O. & P.S. Netarhat, District-Latehar, Jharkhand. … Petitioner

Versus

The State of Jharkhand

… Opposite Party

For the Petitioner : Mr. Prashant Kumar Rahul, Advocate.
For the State : Mrs. Nehala Sharmin, Spl.P.P.

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 BNSS, 2023; with the prayer to quash the order dated 17.08.2026 passed by the Sub-Divisional Judicial Magistrate, Latehar in Mahuadanr (Mahila) P.S. Case No. 05 of 2026 whereby and whereunder, the learned Sub-Divisional Judicial Magistrate, Latehar has directed to issue process under Section 82 of the B.N.S.S., 2023 against the petitioner.

3. It is submitted by the learned counsel for the petitioner drawing attention of this Court to Section 4 of the B.N.S.S., 2023 that as per Section 4(1) all offences under the B.N.S., 2023 shall be investigated, inquired into, tried, and otherwise dealt with according to the provisions of the B.N.S.S., 2023. It is submitted that undisputedly, the alleged occurrence of this case took place between 26.07.2025 to 12.06.2026 and the First Information Report has been registered for the offences punishable under the penal provisions of B.N.S. only and the First Information Report has been

registered under Section 173 of B.N.S.S, 2023. Hence, it is submitted that the procedural law applicable to the proceedings of Mahuatadnr (Mahila) P.S. Case No. 05 of 2026 is the procedural law prescribed in the B.N.S.S., 2023, but since the proclamation under Section 82 of the Cr.P.C. has been issued in exercise of the power under the repealed provision i.e., under Section 82 of the Cr.P.C. hence, the impugned order is not sustainable in law. It is therefore, submitted that the prayer as prayed for in this Criminal Miscellaneous Petition be allowed.

4. Learned Special Public Prosecutor on the other hand opposes the prayer and submits that it is a case of oversight but since in substance, the provisions of Section 84 of the B.N.S.S., 2023 has been complied with hence, it is submitted that this Criminal Miscellaneous Petition being without any merit be dismissed.

5. Having heard the submissions made at the Bar and after going through the materials in the record, this Court has no hesitation in holding that in view of Section 4 of the B.N.S.S., 2023 certainly, the learned Sub-Divisional Judicial Magistrate, Latehar has committed an error in exercising jurisdiction under Section 82 of the Cr.P.C. in respect of a case which has been registered for the penal offences of the B.N.S.S., 2023. Hence, this Court is of the considered view that the impugned order dated 17.08.2026 is not sustainable in law.

6. Accordingly, the order dated 17.08.2026 passed by the learned Sub-Divisional Judicial Magistrate, Latehar in connection with Mahuadanr (Mahlia) P.S. Case No. 05 of 2026, is quashed and set aside against the petitioner.

7. The learned Sub-Divisional Judicial Magistrate, Latehar may pass a fresh order in accordance with law.

8. In the result, this criminal miscellaneous petition is **allowed**.

(Anil Kumar Choudhary, J.)

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

Uploaded on-23/09/2026