

IN THE PUNJAB & HARYANA HIGH COURT AT CHANDIGARH

CRM-M-42762-2014

Date of decision : 06.01.2015

Dilbagh Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr.Bipan Ghai, Senior Advocate
with Mr.Yuvraj Jagpal, Advocate
for the petitioner.

REKHA MITTAL, J.(ORAL)

The present petition under Section 482 of the Code of Criminal Procedure (in short 'Cr.P.C.') has been preferred for quashing order dated 24.12.2005 (Annexure P3) passed by the Judicial Magistrate, Kapurthala whereby the petitioner was declared as proclaimed offender in FIR No.36 dated 13.02.2003 for offence punishable under Sections 332, 353, 186, 341, 188, 506, 427 of the Indian Penal Code (in short 'IPC') registered in Police Station Bholath, District Kapurthala, Punjab.

Counsel for the petitioner contends that the petitioner was released on bail on 21.02.2003 and remained appearing before the Court during trial proceedings until he left India on 17.02.2005. The petitioner was declared as proclaimed offender on 24.12.2005 but no effort was made to serve the petitioner through Embassy. The co-accused of the petitioner were acquitted of the offence charged against them by the trial Court vide judgment

dated 13.12.2010 and since the evidence against the petitioner will also be same as against the co-accused, there is remote possibility of his conviction after trial.

I have heard counsel for the petitioner and perused the records.

Section 482 Cr.P.C. deals with saving of inherent power of High Court and a relevant extract from Section 482 reads as follows:-

“482.Saving of inherent powers of High Court.—Nothing in this Code shall be deemed to limit or affect the inherent powers of the High Court to make such orders as may be necessary to give effect to any order under this Code, or to prevent abuse of the process of any Court or otherwise to secure the ends of justice.”

A careful reading of the aforesaid provision makes it evident that the High Court has been given inherent power to achieve twin objects engrafted therein i.e. to prevent abuse of the process of any Court or to secure the ends of justice. The petitioner was in India when the criminal case was registered against him. He remained attending to the trial proceedings and all of a sudden disappeared and left local limits of the jurisdiction of the trial Court. Not only this, he left India and went abroad without seeking permission of the Court. A person exhibiting utter disregard to the proceedings pending before the Court of law cannot be allowed to seek indulgence of this Court in exercise of extraordinary jurisdiction of this Court merely on the ground that his co-accused have been acquitted of the offence charged against them.

In view of the above, the petition is dismissed in limine.

(REKHA MITTAL)
JUDGE

January 06, 2015.