

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

**CRM-M No.5853 of 2015
Date of decision: 21.02.2015**

Sumit Kumar

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE K.C. PURI.

Present: Ms. Kavita Sharma, Advocate
for the petitioner.

K.C. PURI J. (Oral)

Challenge in this petition is to the order dated 22.07.2007 (Annexure P-4), passed by Judicial Magistrate Ist Class, Mohali, vide which the petitioner has been declared proclaimed offender in respect of FIR No.149 dated 29.05.2005, under Section 13-A/3/67 of Gambling Act, registered at Police Station SAS Nagar, Mohali.

As per assertion made in the petition, petitioner has been appearing before the trial Court and absented from the Court and ultimately declared proclaimed offender.

Learned counsel for the petitioner has submitted that petitioner cannot be declared proclaimed offender, as the

case is not covered by the provisions of Section 82(4) Cr.P.C.

The said legal position has not been disputed by learned State Counsel. However, he can be declared as proclaimed person.

Learned counsel for the petitioner has submitted that the petitioner is ready to appear before the trial Court and due to change of address he could not appear. However, that contention cannot be accepted. Once he has appeared before the trial Court, he should have keep on appearing till the decision of the case.

No reasoning has been given by the petitioner for his absence from the Court. So, in these circumstances, the order dated 22.07.2007, is modified to the extent that petitioner would be treated as proclaimed person and not proclaimed offender.

Petition stands disposed of.

21.02.2015
yakub

(K.C. PURI)
JUDGE