

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

**CRR No.226 of 2013 (O&M)
Date of decision: 05.04.2016**

Jaspal Singh

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.Munish Kapila, Advocate for the petitioner
Mr.Ashish Sanghi, DAG Punjab

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment ?*
- 2. To be referred to the Reporters or not ?*
- 3. Whether the judgment should be reported in the Digest?*

Kuldip Singh, J. (Oral)

Petitioner, who happens to be a constable in Punjab Police, has filed this revision against the judgment dated 20.10.2011, passed by learned Judicial Magistrate 1st Class, Amritsar, vide which he was convicted under Section 174A IPC and sentenced to the period already undergone by him and also to pay a fine of Rs.1000/-. Also challenged is the judgment dated 7.9.2012, passed by the learned Additional Sessions Judge, Amritsar, vide which appeal filed by the present petitioner was dismissed.

Heard.

Record perused.

It comes out that the petitioner was facing trial under the Prevention of Corruption Act, 1988. He became absent and a proclamation was issued on 23.5.2006, which was received back by

the Court on 12.6.2006, showing that it was sometime after 23.5.2006 that proclamation was effected. As the present petitioner did not appear despite a lapse of 30 days from the date of publication, he was declared proclaimed offender.

Learned counsel for the petitioner contends that an amendment was made in Section 82 of the Code of Criminal Procedure effective from 23.6.2006, vide which Sub-Section 4 was added, in which, certain sections were mentioned, in which person could be declared as proclaimed offender. However, it is stated that the offence under the Prevention of Corruption Act is not covered under said section. Even if it is found that the petitioner could not be declared proclaimed offender, he could be declared proclaimed person under Section 82(1) of the Code of Criminal Procedure, as he failed to appear before the Court within 30 days from the date of publication of the proclamation. It being so, he could be convicted under the first clause of Section 174A IPC.

After going through the file, I am of the view that admittedly, the petitioner did not appear despite proclamation. Therefore, he violated the provisions of Section 82(1) of Cr.P.C. and was rightly convicted under Section 174A IPC. He has already been sentenced to the period already undergone by him. No further leniency is possible.

The present petition stands dismissed.

05.04.2016
gk

(Kuldip Singh)
Judge