

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM No.M-36011 of 2016 (O&M)
Date of Decision: 02.02.2017

Ajay Bharti Kapoor

... Petitioner

Versus

State of Haryana

... Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Rishabh Gupta, Advocate for the petitioner.
Mr. Deepak K. Grewal, DAG, Haryana.

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TEJINDER SINGH DHINDSA, J.

The instant petition has been filed under Section 482 Cr.P.C. seeking quashing of order dated 01.09.2015 (Annexure P-4) whereby the petitioner has been declared as a proclaimed offender. Petitioner also assails an order dated 04.08.2016 (Annexure P-5) in terms of which the revision petition filed by the petitioner has been dismissed by the learned Sessions Judge, Rewari and the order dated 01.09.2015 declaring the petitioner as a proclaimed offender has been affirmed.

Counsel for the parties have been heard at length.

The relevant extract of the order passed by the learned Sessions Judge, Rewari dated 04.08.2016 reads as follows:

“However, a perusal of the trial court shows that after summoning of the petitioner in the year 2010, repeated notices were sent to the petitioner on the address of his factory but all those were received back un-executed. Even registered notice was sent which was not received back in any form. And on going the reports made on each and every notice for each and every date, it comes out that all the reports were manipulated but there is postal receipts showing that a registered notice sent to the petitioner vide registered post for 13.10.2014 for appearance on 04.11.2014 were duly served as the same was

never received back in any form. Last but not the least, again registered notice was sent to the petitioner for 04.02.2015 and it was sent on 15.01.2015 but not received back in any form and once again the registered notice was sent on 25.02.2015 for 19.03.2015 which was also not received back in any form and thus it is clear that the notice was duly received by the petitioner but he failed to appear before the trial court. Even after that when warrant of arrest was sent, it remained unexecuted with the report that the petitioner has left the factory and not available and when ultimately proclamation was issued, it was duly published on 26.07.2015 as the executing official affixed the copy of the proclamation on the site of the factory of the petitioner as well as in the court and one copy at the bus stand. Lastly the record shows that since the publication was published on 26.07.2015 vide order dated 06.08.2015, the learned trial court adjourned the case to 01.09.2015 so that the required time of 30 days should be given to the petitioner to serve after publication of proclamation but he failed to serve and that he was declared proclaimed person and as per the facts discussed above, there is no illegality whatsoever in this regard.”

Learned counsel appearing for the petitioner has not been able to point out any perversity in the observations and recital of circumstances as reproduced hereinabove in the extract of the impugned order.

In the considered view of this Court, the procedure envisaged under Section 82 Cr.P.C. having been followed in letter and spirit, there would be no basis for interference in the impugned order declaring the petitioner as proclaimed offender.

No merit. Dismissed.

02.02.2017

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**(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether speaking/reasoned? | Yes |
| ii) | Whether reportable? | No |