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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CRL.M.C. 221/2017

RAJNI GOSAIN

..... Petitioner

Through Mr.Avinash Lakhanpal, Adv.

versus

GOVT OF NCT OF DELHI

..... Respondent

Through Mr.Ashish Dutta, APP with SI
Bhupender, PS Mianwali Nagar.

CORAM:

HON'BLE MR. JUSTICE P.S.TEJI

ORDER

% **19.01.2017**

Crl.M.A. 969/2017 (Exemption)

Application is allowed subject to just exceptions.

Crl.M.C. 221/2017

The present petition has been filed under Section 482 Cr.P.C. for quashing of order dated 06.01.2014 declaring the petitioner Proclaimed Offender.

The order dated 06.01.2014 shows that the statement of Head Constable Ghanshyam who had executed the process under Section 83 Cr.P.C. against the petitioner was recorded and thereafter the petitioner was declared Proclaimed Offender on that day itself. Thereafter on 29.09.2016, an application for the grant of interim bail for a period of two months was moved by the petitioner. After considering the application, the application of the petitioner was

allowed and she was granted interim anticipatory bail for a period of two months. On 17.12.2016, the petitioner moved another application under Section 438 Cr.P.C. for the grant of anticipatory bail. Charge sheet was already filed by that time under Section 420/34 IPC and under Section 174-A IPC as the petitioner was Proclaimed Offender and ultimately the application was dismissed. Thereafter, the petitioner moved the present petition for quashing of order dated 06.01.2014 declaring her Proclaimed Offender.

Apparently, the order declaring the petitioner Proclaimed Offender was passed in January, 2014 and thereafter the petitioner remained absconding and not available to the system of law for the purpose of arrest or for investigation or for filing the charge sheet. It was the petitioner who for the first time approached the court of learned Additional Sessions Judge by moving the application under Section 438 Cr.P.C. for seeking anticipatory bail. Apparently, the petitioner did not approach the trial court or Court of Session or High Court for dropping/setting aside/quashing the proceedings and ultimately it was on 29.09.2016 when the petitioner moved the application for the grant of anticipatory bail. The petitioner was required to approach the trial court on the expiry of interim bail for two months i.e. on 29.11.2016. Apparently, the petitioner did not surrender before the court and remained absconding and subsequently another application was moved on 17.12.2016 seeking anticipatory bail which was declined by the court below.

Admittedly, now the charge sheet has already been filed before the trial court. The petitioner is Proclaimed Offender since January

2014 and the status of the petitioner as Proclaimed Offender is still continuing as of today.

In the facts and circumstances mentioned above, this Court is of the considered opinion that no ground is made out to exercise the inherent jurisdiction of the court under Section 482 Cr.P.C., particularly when there is no abuse to the process of law and to secure the ends of justice as every accused is required to appear before the trial court as and when summoned or issuance of Bailable/Non Bailable Warrant/declaration of Proclaimed Offender.

Consequently, the present petition is dismissed.

P.S.TEJI, J

JANUARY 19, 2017
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