

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

CRM-M-5714-2017

Date of decision-04.12.2018

Madhumita Adhikary

...Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Surender Saini, Advocate for the petitioner.

Mr. Navjot Singh, AAG, Haryana.

MANOJ BAJAJ, J.

The present petition has been filed under Section 482 of Code of Criminal Procedure for quashing of order dated 28.11.2016 passed by learned Judicial Magistrate First Class, Sonapat in FIR No.174 dated 06.05.2014 under Sections 406, 420 and 506 read with Section 34 of Indian Penal Code registered at Police Station Sadar, Sonapat whereby the petitioner has been declared as proclaimed offender.

Learned counsel for the petitioner submits that the order declaring her/petitioner (accused) as proclaimed offender has been passed without waiting for a mandatory period of 30 days from the date of effecting the proclamation.

Learned counsel has invited the attention of the Court to the statement of ASI Rajender Singh recorded by the Court on 28.11.2016 wherein it is mentioned the service of the publication was made on 09.11.2016. The impugned order declaring the petitioner as proclaimed

offender has been passed on 28.11.2016 i.e. before the expiry of 30 days period as laid down in Section 82 of Code of Criminal Procedure. This fact is not disputed by the respondent-State. In the reply filed by way of an affidavit of Mukesh Kumar, HPS, Deputy Superintendent of Police, Sonipat. The above specific ground raised in the petition is answered as under:-

“That in reply to the contents of para no.iv of the ground of para No.9 of the petitioner, it is submitted that EASI Rajinder Singh No.698 has stated the true facts before the Ld.Trial Court and executed the publication note at the given address where the petitioner was not found and reported to have gone out or the last few days. However, the persons present at the spot and neighbor were informed about the publication. One copy was affixed at the notice board of the Id.Court and one was submitted with the report that, However, it is surprisingly that the husband of the petitioner was appeared before Ld.Court but the petitioner did not appear before the Ld.Trial Court on 28.11.2016 deliberately/willingly.”

Apparently, provision of Section 82 Cr.P.C have not been strictly complied with. Resultantly, the impugned order dated 28.11.2016 declaring the petitioner as a proclaimed person is set aside. Learned counsel for the petitioner states that the petitioner is otherwise ready to appear before the Court and she would submit herself before the Court within fifteen days from today.

Disposed off.

(MANOJ BAJAJ)
JUDGE

04.12.2018
vanita

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No