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Date of Decision:18.07.2019

....petitioners

Deepak Kumar

.....respondent

Present: Mr.Akshay Rana, Advocate
for the petitioners

Prayer in this petition is for quashing of order dated 22.03.2018 (Annexure P7), passed by the trial Court, declaring petitioner No.2 as a proclaimed person.

Learned counsel for the petitioners contends that as per the requirement of Section 82 of the Code of Criminal Procedure, it is mandatory to order a proclamation requiring the accused to appear at a specified place and at a specified time not less than 30 days from the date of publishing such proclamation. He further draws attention of the Court to the order passed on 04.01.2018, wherein the Court noticed that the proclamation was published on 01.01.2018, whereas the date of appearance was 04.01.2018. Noticing the aforesaid defect, the Court adjourned the case to 01.02.2018 without ordering any fresh publication.

Learned counsel for the petitioners further relies upon a judgement passed by the Court in the case of “*Ashok Kumar vs. State of Haryana and another*” 2013(4) RCR Criminal 550. He further submits that petitioner No.2 is an accused in complaint under Section 138 of the

Negotiable Instruments Act, 1881 and he is ready to surrender before the trial Court.

Keeping in view the contention of learned counsel for the petitioners and more particularly his offer to appear before the trial Court, the order dated 22.03.2018 (Annexure P7) declaring petitioner No.2 as proclaimed person is set aside, subject to the condition that petitioner No.2, would appear before the trial Court on 20.07.2019, the date fixed in the connected case and furnish fresh bail/surety bonds to the satisfaction of the trial Court.

With these observations, the petition stands disposed of.

18.07.2019*neenu***(ANIL KSHETARPAL)****JUDGE**

Whether speaking/reasoned

Yes/No.

Whether reportable-

Yes/No