

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

265

CRM-M-37161-2020

Decided on: 22th March, 2022

Vandana Kalia

Petitioner

Versus

State of Punjab

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Rahul Rampal, Advocate for the petitioner.

Mr. Sandeep Kumar, Deputy Advocate General, Punjab.

AVNEESH JHINGAN, J (Oral):

1. This petition is filed seeking quashing of the impugned order dated 17.8.2019 whereby the petitioner was declared as proclaimed person in case of FIR No. 7 dated 1.9.2012 under Sections 409/420/120 B IPC, 1860 and under Section 13(2) of Prevention of Corruption Act, 1988 (Sections 467/468/471 IPC, 1860 were added later on).

2. Brief facts are that the case was committed to the Sessions Court without service effected upon the accused. The Sessions Court sent the matter back for completion of service and thereafter, the petitioner was declared as proclaimed person.

3. Counsel for the petitioner submits that on 15.7.2019, the proclamation was issued by CJM, Ludhiana for 14.8.2019. The report was received that proclamation was effected on 16.7.2019 for 14.8.2019. The CJM, Ludhiana taking note of the fact that 30 days have not been elapsed on 14.8.2019, adjourned the case to 17.8.2019. The contention is that period was less than 30 days. Reliance has been placed upon the decision of this Court passed in *Ashok Kumar vs. State of Haryana and another*,

2013 (4) RCR (CrL) 550.

4. Learned State Counsel on instructions from SI Rajesh Kumar is not in a position to controvert the factual position that there was non-compliance of Section 82 Cr.P.C. as the period was less than thirty days. The contention is that she was aware of the proceedings. He further submits that the petitioner is abroad and will have to appear before the concerned Trial Court.

5. Learned counsel for the petitioner on instructions submits that the petitioner will appear within three months from today before the concerned Trial Court and would avail remedies available in accordance with law.

6. From the facts noted above, there is non-compliance of Section 82 Cr.P.C., the adjournment by CJM, Ludhiana to rectify the mistake is of no avail as there is no proclamation for 17.8.2019. The impugned order is set aside.

7. Needless to state that in case of failure of the petitioner to appear before the concerned Trial Court as per the statement made by learned counsel for the petitioner, the State would be at liberty to proceed against her in accordance with law.

8. Petition is disposed of.

[AVNEESH JHINGAN]
JUDGE

22th March, 2022
anuradha

1. Whether speaking/ reasoned	:	Yes /No
2. Whether reportable	:	Yes /No