

CRM-M-25970-2023

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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Date of decision: 18.10.2023

DHARAM PARKASH

...Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Sandeep Singh Rana, Advocate,
for the petitioner.

RAJBIR SEHRAWAT, J. (Oral)

1. The present petition has been filed for setting aside the order dated 21.04.2023 passed by Additional Sessions Judge, Gurugram, in an appeal titled as 'Dharam Parkash Vs. Karan Singh Kakkar', whereby the petitioner has been declared a proclaimed person.

2. Perusal of the record shows that the petitioner was convicted by the trial Court and sentenced for one year for committing the offence punishable under Section 138 N.I.Act. The petitioner was also directed to pay an amount of Rs.25 lakh as compensation to the complainant. Against the said order of conviction and sentence, the petitioner had preferred appeal before the Lower Appellate Court. Vide order dated 02.12.2021, the Lower Appellate Court had suspended the sentence of the petitioner and released him on bail, subject to his making payment of 20% of the compensation amount. However, the said order has not been complied with by the petitioner. Moreover, the petitioner has also not appeared before the lower Appellate Court. As a result, warrant of arrest has been issued

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against him. Despite having been issued proclamation proceedings, the petitioner has not appeared before the Court below. Hence, he has been declared a proclaimed person.

3. In view of the fact that the lower Appellate Court has released the petitioner on conditional bail, subject to deposit 20% of the compensation amount, and that the said order has not been challenged anywhere by the petitioner, there is nothing wrong or illegal if the lower Appellate Court has ordered taking the petitioner into custody. Subsequently, the petitioner has not appeared before the lower Appellate Court despite having been issued proclamation proceedings.

4. In view of the above, this Court does not find any ground to interfere with the impugned order passed by the Lower appellate Court.

5. Dismissed.

18.10.2023

parveen kumar

(RAJBIR SEHRAWAT)
JUDGE

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No