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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 4062/2019 & CRL.M.A. 33710/2019**
KIM SAREEN Petitioner

Through: Mr. Harkirat Singh, Adv.
versus

STATE Respondent
Through: Mr. Utkarsh, APP for the
State
Inspector Naveen Dahiya

CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER
12.02.2024

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1. The present petition is filed challenging the order dated 17.08.2019 (hereafter '**the impugned order**'), passed by the Additional Sessions Judge ('**ASJ**'), West District, Tis Hazari Court, Delhi, in CRL. REV. No. 156/2019.
2. The learned ASJ, by the impugned order, had dismissed the revision petition filed by the petitioner under Section 397 of the Code of Criminal Procedure, 1973 ('**CrPC**'), challenging the order dated 19.12.2018, passed by the learned Chief Metropolitan Magistrate ('**MM**'), West District, Tis Hazari Court, Delhi, in FIR No. 84/2011, registered at Police Station Moti Nagar, whereby the petitioner was declared as a proclaimed offender under Section 82 of the CrPC.
3. The learned counsel for the petitioner submits that the notices issued by the respondent under Section 91 of CrPC were not served since the petitioner had already changed his address, and the notices were served on an address which was not the residence of the petitioner.
4. He refers to the sale deed dated 18.07.2014 to contend that the property in question, where the notices were served, was sold



in the year 2014.

5. He further submits that, pursuant to the order dated 20.09.2023, passed by this Court, the petitioner has since joined investigation, and has appeared before the concerned Investigating Officer ('IO') on multiple occasions.

6. It is not denied by the learned Additional Public Prosecutor for the State that the petitioner has since joined investigation and has appeared before the IO.

7. In view of the above, without going into the dispute as to whether the notice under Section 91 of the CrPC was served on the petitioner, since the petitioner has already joined investigation, the proceedings under Section 82 of the CrPC are no longer required.

8. The purpose of passing an order of proclamation under Section 82 of the CrPC is to secure the presence of the accused person for the purpose of investigation.

9. Since the petitioner has already appeared and joined investigation, no useful purpose would be served by keeping the proceeding under Section 82 of the CrPC alive.

10. In view of the above, the present petition is allowed. The impugned order is set aside, and consequently, the order dated 19.12.2018, passed by the learned MM, is also set aside to the extent it passes a proclamation under Section 82 of the CrPC declaring the applicant to be a proclaimed person.

11. The petition is allowed in the aforesaid terms.

AMIT MAHAJAN, J

FEBRUARY 12, 2024
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