



\$~46

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CRL.A. 1160/2017

RAHMATULLAH

.....Appellant

Through: None.

versus

STATE

.....Respondent

Through: Mr. Amit Ahlawat, APP.
SI Vishan Kumar, ANTF, Crime
Branch.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

28.01.2025

%

1. As per the status report, process under Section 82 of the Code of Criminal Procedure, 1973 was issued against the Appellant. On 11th December, 2019, the order of sentence was suspended by this Court, and the Appellant was released on bail.
2. Since then, when the Appellant stopped appearing, this Court directed the Trial Court to take coercive action against him to ensure his presence. In terms of the said directions, a status report has been filed indicating that the Trial Court had issued warrants of attachment against surety of the convict/Appellant.
3. On 2nd April, 2024, the Trial Court passed the following order:

“HC Mahipal present.

In compliance of order dated 22.05.2023 passed by Hon'ble High Court of Delhi in Crl. Appeal No. 1160/17, titled as Rahmatullah Vs. State, notice was issued to the surety directing her to appear before the



Hon'ble High Court on 20.09.2023. However, the surety failed to appear before the Hon'ble High Court. Thereafter, vide order dated 30.01.2024, the Hon'ble High Court directed the SHO to take further steps in accordance of law. In compliance thereof, SI Dheeraj Kumar moved an application seeking issuance of process u/S 82 Cr.PC against convict / appellant Rahmatullah. The same was issued vide order dated 12.02.2024.

*Today report regarding process u/s 82 Cr.PC has been filed by HC Mahipal. Proclamation has also been published in Hindustan Times and Dainik Action India newspapers. Statement of process server HC Mahipal regarding execution of proclamation has been recorded. In view of the same, I am satisfied that the same has been duly executed. Convict / appellant Rahmatullah has failed to enter his appearance after execution of proclamation against him. Accordingly, **convict Rahmatullah is declared absconder.***

*Surety has also failed to produce the convict / appellant. Bail bonds stand forfeited. **Surety is directed to deposit the forfeited amount of Rs. 1,11,000/- within a week from today. Payment receipt be placed on record.***

List on 15.04.2024.

Copy of the order be given dasti."

4. In light of the foregoing, since the Appellant has been declared as an absconder, the present appeal is dismissed. In case the Appellant surrenders and gives adequate reasons for his non-appearance, he can apply to the Court for restoration of the appeal.

5. The present proceedings are closed.

SANJEEV NARULA, J

JANUARY 28, 2025

d.negi