



IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

129

CRM-M-56953-2024

Date of decision: April 08, 2025

BABU LAL

...Petitioner

Versus

STATE OF HARYANA

...Respondent

**CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

Present: Mr. P.S. Ahluwalia, Advocate and  
Mr. Keerat Dhillon, Advocate  
for the petitioner.

**MANJARI NEHRU KAUL, J. (ORAL)**

1. The instant petition has been filed by the petitioner seeking quashing of impugned order dated 16.07.2002 (Annexure P-10) passed by the Court of Judicial Magistrate Ist Class, Mahendergarh, whereby the petitioner was declared as 'Proclaimed Offender' in case FIR No.194 dated 10.10.2001 (Annexure P-1) under Sections 406, 420, 468, 120-B, 212 of IPC and Section 13/49/88 of PC Act, registered at Police Station Kanina, District Mahendergarh.

2. Affidavit of the Deputy Superintendent of Police, Kanina, District Mahendergarh, on behalf of the respondent-State has been filed in the Court today, which is taken on record subject to all just exceptions. A copy thereof has been supplied to the counsel opposite.

3. Learned counsel for the petitioner contends that a bare perusal of the impugned order reveals that the petitioner has been erroneously declared a 'Proclaimed Offender', in complete disregard of the mandatory requirements under Section 82 of the Cr.P.C. It is further pointed out that even in the affidavit filed by the State today, there is an express admission



that the declaration of the petitioner as a 'Proclaimed Offender' was made in violation of the statutory provisions of Section 82 of the Cr.P.C.

4. Learned State counsel has not been able to refute the submission that the petitioner was declared a 'Proclaimed Offender' on 16.07.2002, merely 3 days after the publication of the proclamation, as is evident from the statement of Ramanand UGC (Annexure P-10), was executed on 13.07.2002.

5. I have heard learned counsel for the parties and perused the relevant material on record.

6. Section 82 of the Cr.P.C. reads as under: -

*"82. Proclamation for person absconding.*

*(1) If any Court has reason to believe (whether after taking evidence or not) that any person against whom a warrant has been issued by it has absconded or is concealing himself so that such warrant cannot be executed, such Court may publish a written proclamation requiring him to appear at a specified place and at a specified time not less than thirty days from the date of publishing such proclamation.*

*(2) The proclamation shall be published as follows :-*

*(i)(a) it shall be publicly read in some conspicuous place of the town or village in which such person ordinarily resides;*

*(b) it shall be affixed to some conspicuous part of the house or homestead in which such person ordinarily resides or to some conspicuous place of such town or village;*

*(c) a copy thereof shall be affixed to some conspicuous part of the court-house;*

*(ii) the Court may also, if it thinks fit, direct a copy of the proclamation to be published in a daily newspaper circulating in the place in which such person ordinarily resides.*

*(3) A statement in writing by the Court issuing the proclamation to the effect that the proclamation was duly published on a specified day, in the manner specified in clause (i) of sub-section (2), shall be conclusive evidence that the requirements of this Section have been complied with, and that the proclamation was published on such day.*



*(4) [Where a proclamation published under sub-section (1) is in respect of a person accused of an offence punishable under Sections 302, 304, 364, 367, 382, 392, 393, 394, 395, 396, 397, 398, 399, 400, 402, 436, 449, 459, or 460 of the Indian Penal Code (45 of 1860), and such person fails to appear at the specified place and time required by the proclamation, the Court may, after making such inquiry as it thinks fit, pronounce him a proclaimed offender and make a declaration to that effect.*

*(5) The provisions of sub-sections (2) and (3) shall apply to a declaration made by the Court under sub-section (4) as they apply to the proclamation published under sub-section (1).] [Inserted by Act 25 of 2005, Section 12 (w.e.f. 23-6-2006).] ”*

7. A plain reading of the above provision makes it manifest that the law mandates a minimum period of 30 days from the date of publication of the proclamation before a person can be declared a ‘Proclaimed Offender’. The said period is a statutory safeguard and must be adhered to. In the present case, the learned trial Court declared the petitioner as a ‘Proclaimed Offender’ within 3 days of the execution of the proclamation, which is a clear and patent violation of the express language of the statute.

8. In the light of the above facts and the admitted position as emerging from the record as well as the affidavit filed by the State, it is evident that the declaration of the petitioner as a ‘Proclaimed Offender’ is vitiated for non-compliance with the mandatory requirement of Section 82 of the Cr.P.C. Accordingly, impugned order dated 16.07.2002 (Annexure P-10) to the extent it declares the petitioner as a ‘Proclaimed Offender’, is set aside.

**April 08, 2025**

*Jaspreet Kaur*

**(MANJARI NEHRU KAUL)**

**JUDGE**

*Whether speaking/reasoned* : *Yes/No*

*Whether reportable* : *Yes/No*