

S. C. No. 581/2017
FIR No. 188/2017
PS Burari
State v. Sonu @ Suraj
U/s 308/34 IPC

05.04.2024

Present: Sh. Balbir Singh, Additional Public Prosecutor for State.

Accused Pradeep on bail with Legal Aid Counsel Diwakar Chaudhary.

Accused Ravi on bail.

Accused Sonu @ Suraj in absent.

Sh. S. N. Shukla, Legal Aid Counsel for accused Sonu @ Suraj.

Process server HC Sheesh Ram is also present for recording of his statement.

Statement of process server recorded separately.

In view of the report and statement of the process server recorded, this Court is satisfied that a proclamation was duly published on a specified day, in the manner specified in clause (i) and (ii) of sub-section (2) of Section 82 of the CrPC. The offences under section 308 IPC do not fall within the ambit of Section 82 (4) of the CrPC and there is no provision in NDPS Act which provides that accused can be declared as proclaimed offender in respect of offence mentioned in the said Act, and therefore, accused cannot be declared as “proclaimed offender” but he can be declared as “proclaimed person”. In this regard judgments passed by the Hon'ble Delhi High Court in cases of **Sanjay Bhandari v. State**, (Crl. Rev. Pet. No.223/2018) decided on 31.07.2018 and **Arun Kumar Parihar v. State (Govt. NCTD)**, (Crl. M. C. No.863/2021) decided on 26.03.2021 and

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judgment passed by Hon'ble Rajasthan High Court in case of **Rishabh Sethi v. State of Rajasthan & Anr.**, (S. B. Criminal Miscellaneous (Petition) No. 5767/2017) decided on 08.03.2018 can be referred. Hence, **accused Sonu @ Suraj is declared as “proclaimed person”**.

Put up for prosecution evidence on **08.07.2024**. **PW3 and PW7 be summoned for the next date of hearing.**

(Sanjeev Kumar-II)
Special Judge (NDPS)-02
Central District, Tis Hazari Courts,
Delhi / 05.04.2024