

HDFC BANK LTD. VS NITISH KAPOOR etc.

Present: Sh. Harjit S. Kathpal Advocate for the complainant.

Today, the case was fixed for presence of accused. None has appeared on behalf of accused. Case called several times since morning. Statement of Serving Constable has already been recorded, wherein he has proved proclamation Ex.PA and report as Ex.PB. Period of 30 days has lapsed, since the service of proclamation upon the accused. Despite due publication, accused has not appeared and it is apparent that accused is absconding and concealing himself. Accordingly, accused is declared proclaimed person. Intimation in this regard be sent to PO staff and SHO concerned with a direction to enter the name of the accused in the relevant register maintained as per police rules and with a further direction to arrest the accused and produce him before the court as soon as possible by taking all the necessary steps as per law.

At this stage, ld. Counsel for the complainant stated at bar that preliminary evidence already recorded be read in his evidence under Section 299 Cr.P.C and remaining evidence will be lead as and when the accused is arrested and produced before the Court.

Separate list of particulars of property of accused for the purpose of attachment under Section 83 of Cr.P.C not filed. Ld. Counsel for the complainant stated that he shall file the particulars of property of accused as and when they come to his knowledge for further proceedings.

However, Ahlmad is directed to separate the copy of P.O order and intimation to Manager of concerned bank for attachment of account of accused as mentioned in cheque in question, under intimation to this Court.

File be consigned to record room after due compliance with a red ink note that accused has been declared as proclaimed person in the present case and proceedings against him will be initiated as and when he will be arrested or accused himself appears before the Court and till then file should not be destroyed.

Date of Order: 25.11.2024
Gitish, Steno Gr. III

Jaspreet Kaur
Judicial Magistrate Ist Class
UID NO. PB00657