

MHGA050004842019

R.C.C.No. 26/2019

State V/s. Riyaz

**Order Below Exh – 01***(Passed on 26th day of September, 2025)*

Perused the record. Present case is in respect of warrant trial offence wherein the accused is not appearing since long. The case is more than 5 years old and till today, due to non-appearance of accused, even the charge cannot be framed. As per directions of Hon'ble Bombay High Court, the old matters are required to be disposed off as expeditiously as possible by adopting all the measures provided under law. Non-bailable warrants were issued against accused time to time. However, accused is not traced out. Already more than enough time has been given for procuring presence of accused by usual modes, but all has been gone in vain. Therefore, there are sufficient reason to believe that, accused has absconded or he is intentionally concealing himself so that the warrant of his arrest shall not be executed upon him. Under such circumstances, there is no other alternative than to opt for other coercive measure like issuance of proclamation under **Section 82 of Criminal Procedure Code (Section 84 of BNSS)**. Hence, I am inclined to issue proclamation against accused.

2. So also, as another measure of securing presence of accused, show cause notice to the surety is concern, the accused seems to be released on execution of his personal bond, therefore issuance of notice to the surety does not arise.

3. Police is also required to be directed to search and submit the necessary particulars of the movable and immovable properties

belonging to accused, so as to enable the Court to proceed as per **Section 83 of Criminal Procedure Code (Section 87 of BNSS)** for attachment of property of accused. Hence I pass following order ;

ORDER

- i) Issue proclamation under Section 82 of Cr.P.C. against accused.
- ii) Police Station Officer of concerned police station is directed as per ***section 82(2)(i)(a) Cr.P.C.*** to, publicly read the proclamation in some conspicuous place of the town or village in which accused ordinarily resides, and as per ***section 82(2)(i)(b) Cr.P.C.*** to affixed the proclamation to some conspicuous part of the house or homestead in which accused ordinarily resides or to some conspicuous place of his town or village.
- iii) Police Station Officer of concerned police station is also directed to prepare a detailed panchanama regarding the compliance of execution of proclamation and submit it in the Court accordingly.
- iv) Police Station Officer of concerned police station is also directed to collect the necessary particulars of movable and immovable properties belonging to accused and submit it in the Court alongwith the report.
- v) Assistant Superintendent of the Court is also directed to affix the copy of proclamation to the conspicuous part of the Court house or notice board of the Court, as per ***section 82(2)(i)(c) of Cr.P.C.***, and submit the report accordingly.
- vi) Copy of this order be sent to the Police Inspector of concerned police station for its efficient and expedite compliance.
- vii) Junior Clerk of Criminal side is also directed to issue the proclamation, letters and show-cause notice as ordered supra, forthwith and report accordingly.

Desaiganj:
Dt.26.09.2025.

(**Satish G. Gore**)
Judicial Magistrate First Class,
Desaiganj, Dist. Gadchiroli