

Order below Exh.1 In RCC No. 320/2012
(State Vs. Kammasing Jagusing Shikalkari and ors.)

1. Perusal of the record reveals that the accused No. 1 and 2 are absent since long. In the instant case the final report has been filed alleging commission of offence punishable under section 457, 380 read with 34 of the Indian Penal Code, 1860. Record shows that non-bailable warrants and further compelling processes were issued against the accused for several times. However, presence of the accused could not be secured. The record clearly shows that the accused are absconding and intentionally avoiding the process of this Court. Despite repeated coercive steps, they failed to appear.

2. Having considered the material on record, I am satisfied that proceedings under sections 82 and 83 of the Code of Criminal Procedure, 1973 are highly warranted in the instant case. Thus, I hold that a proclamation under section 82(2) of the Code needs to be issued against the accused, requiring them to appear before this Court within 30 days from the date of publication.

3. Further, considering the long drawn pendency of the instant case, to cut short the delay, in exercise of powers under section 83 of the Code, it is directed that in the event of failure of the accused to appear within the time specified in the proclamation, their movable and immovable properties shall be attached.

4. In the above factual matrix, ultimately I hold that the absconding accused who evade arrest are liable to be proceeded against under sections 82 and 83 of the Code. Thus, proclamation needs to be issued accordingly. Further simultaneously conditional attachment warrant needs to be issued. With these reasons, following order is passed :

ORDER

1. Issue proclamation under section 82 of the Code of Criminal Procedure, 1973. It be ;
 - (i) publicly read in a conspicuous place of the

town/village where the accused ordinarily resides;
(ii) affixed to some conspicuous part of the accused's residence and to the notice board of this Court;

(iii) published in a widely circulated local daily newspaper.

2. In the event of non-compliance of above proclamation, attachment warrant vide section 83 be issued accordingly.
3. The executing officer shall prepare an inventory and submit compliance report in respect of the attachment.
4. In-charge of Police Station concerned is hereby directed to appoint a special police officer in this regard and ensure the compliance of the above process.
5. Concerned to comply with the above directions scrupulously even acting upon a digitally signed copy of this Order.

Date : 09.09.2025

Place : Udgir.

(Bhalchandra R. Zende)
Judicial Magistrate First Class,
(Court No.3), Udgir.