

ABHINAV JAIN VS BALWINDER KUMAR etc.

Present: Sh. SURINDER GUPTA Advocate for the complainant.
Accused PO.

Already a period of more than one month has expired since then. But the accused has not come present. This Court is satisfied that accused is intentionally not appearing in the court and has voluntarily concealed himself. He has absconded. So accused is declared a proclaimed person. Necessary intimation be sent to the SSP/SHO, PS Lahori Gate, Patiala, with direction to constitute a special police party to apprehend the accused and concerned SSP/SHO, PS Lahori Gate, Patiala, also directed to pursue the procedure 174 A IPC as per law and intimation sent to this Court within 10 days.

However, Ld. Counsel for complainant has stated that when the complainant would provide about the details of the property of accused, then he will file separate application under Section 83 of Cr.PC and evidence led by the complainant at the time of preliminary evidence be also read as evidence under Section 299 Cr.PC. Since the property details of the accused are not available with the complainant at this stage, therefore, no purpose shall be served by keeping this file pending. As the accused was declared proclaimed person and no property details of the accused furnished. Evidence had already been led by the complainant, during the course of complainant evidence hence, there is no need to record evidence under Section 299 Cr.PC. As such, the present complaint is ordered to be consigned to the record room with a direction to be taken up again as and when the accused voluntarily appears or is produced before the court by way of arrest. The complainant is at liberty to file separate CRM qua attachment of property of accused as and when the details of same are available with him.

Date of Order: 14-06-2023
Sheetal

(Akbar Khan)
Judicial Magistrate - Ist Class/Patiala
UID NO . PB00426