

JUDICIAL MAGISTRATE COURT, THIRUVAIYARU

Present: SELVI. S. AGNES JEBA KIRUBA, M.L.,
JUDICIAL MAGISTRATE, THIRUVAIYARU

On this the 8th day of September – 2025, Monday

M.P.No.1/2025

CC.No.142/2016

State represented by Inspector of Police,
AWPS, Thiruvaiyaru.
(Crime No.6/2013)

.....Complainant.

/Vs/

Sivakumar,
S/o. Vellaisamy,
Keelatheru,
Palayarkadu,
Budalur Taluk.

.....Accused.

ORDER

The Prosecution side has filed this petition on 09.06.2025 under Sec.82(1) of Cr.P.C to pass an order of proclamation, to publish a written proclamation and requiring the accused to appear to the court at a specified time, failing which, to declare him as a proclaimed offender.

1. After hearing the prosecution side, on 21.06.2025 Proclamation Notice was ordered to be issued. After affixing the said notices, the Inspector of Police, AWPS, Thiruvaiyaru submitted her report. She deposed as CW1, that all necessary steps have been taken to secure the said accused, however, she is unable to trace out the accused and as such, she filed the present application to proclaim him as proclaimed offender and as per the order of this court, the notices were duly proclaimed in the locality of the accused. She also filed photographs – Ex.C2 series to prove that notices were duly affixed at the address of the accused and other public offices in the locality and paper publication in Dhinanthanthi Daily, Thanjavur Edition on 10.08.2025 – Ex.C3.

3. Her oral evidence proves that Ex.C1 to C3 are in compliance of this court order dated 21.06.2025. The said oral and documentary evidence establish that the proclamation notice has been duly affixed in the conspicuous places and also by way of publication. This court feels that, the said accused or his relatives, family members and friends have been put on notice about the case and also his abscondence for a long period, from the notices affixed and publication issued. They might have been noticed the same and also passed informatin to the accused. By way of the notices and oral evidence, this court believes that the said accused has absconded or is concealing himself, inorder to escape from the clutches of law. Memo along with certificate of revenue official that accused has no immovable property is also taken into considaration.

4. Inspite of the said notice, the accused has not appeared before this court to recall the warrant till today, i.e., 11.08.2025. Considering the continuous abscondence of the accused and notices have been duly affixed and published in the tamil daily, this court is of the view that Sec.82 of Cr.P.C has been duly complied with. When the case is called in the open court, the accused has not been turned up. The Office Assistant of this court has also been examined as CW2 to the effect that the name of the accuesed called in the open court by three times, but he is absent. As notice has been properly offender and published, it is just and necessary to pronounce the accused a 'Proclaimed Accused" and make a declaration to that effect. This court feels that, no prejudice would be caused by way of the said declaration. On the other hand, if he takes notice and appear before this court, there will be a progress in this case.

5. In the result, the accused – Sivakumar, S/o. Vellaisamy, Keelatheru, Palayarkadu, Budalur Taluk has been declared as "Proclaimed offender" and the petitioner/Inspector of Police, AWPS, Thiruvaiyaru has been directed to comply with Sec.82(2) and (3) of Cr.P.C.

Dictated to Steno -Typist directly typed by her in the computer, corrected and pronounced by me in open court, this the Monday, the 08.09.2025

Judicial Magistrate,
Thiruvaiyaru.

Witnesses Examined :-

CW1 - Sathyabama, Inspector of Police,

CW2 - Sakthivel, Office Assistant

Documents produced :-

Ex.C1- Proclamation Notice

Ex.C2 - Photographs (8-No.s)

Ex.C3 - Paper publication dated 10.08.2025

Judicial Magistrate,
Thiruvaiyaru.