

GR Case No- 435/2013 (Reg No. 172/2016
JO Code No WB 01449

Order Dated: 18/9/2025.

The case is fixed today for ER of WA of accused person namely
Sk. Rahul

Perusal of the case record reveals that despite issuance of **non-bailable warrants** against the aforementioned accused persons on **10-3-2025, 02-5-2025, 14-5-2025 and 21-6-2025** the execution reports have not been received. The concerned police authority has reported that the accused are **absconding** and **deliberately concealing their presence** to avoid arrest.

The conduct of the accused clearly indicates their intent to **willfully evade the process of law**, thereby obstructing the course of justice.

Section 82 of the Code of Criminal Procedure, 1973 empowers the court to issue a proclamation requiring the appearance of a person against whom a warrant has been issued and who is absconding.

In **Ashok Kumar v. State**, (2021) SCC OnLine Del 4164, the Hon'ble Delhi High Court held that:

“The pre-requisite for issuing a proclamation under Section 82 CrPC is that the accused must have absconded or is concealing himself to avoid execution of a warrant. The satisfaction of the court to this effect must be recorded on the basis of the materials brought by the investigating agency.”

Similarly, in **Lavesh v. State (NCT of Delhi)**, (2012) 8 SCC 730, the Hon'ble Supreme Court held:

“Where the accused is absconding and is not available for interrogation and investigation, the court is empowered to proceed under Section 82 CrPC.”

Applying the above principles, and considering the police report stating non-execution of warrants due to deliberate evasion by the accused, this Court is satisfied that the accused persons are absconding within the meaning of Section 82 CrPC.

ORDERED

That proclamation under **Section 82 of the CrPC** be issued against the following accused person:

Sk. Rahul

requiring them to appear before this Court within **30 days** from the date of publication of such proclamation, failing which **necessary steps under Section 83 CrPC** for attachment of their properties and declaration as **proclaimed offenders** shall be taken.

MODE OF PROCLAMATION

The proclamation shall be carried out by the Officer-in-Charge of the concerned Police Station in the manner laid down under Section 82(2) CrPC:

- By publicly reading the proclamation in a conspicuous place of the town/village where the accused ordinarily resides.

- By affixing a copy of the proclamation to:
 - (i) A conspicuous part of the accused's house or homestead.
 - (ii) A conspicuous part of the courthouse.
- If required, by publication in a widely circulated local daily newspaper.

DIRECTIONS TO THE OFFICER IN CHARGE

The officer in charge is directed to:

- Execute and publish the proclamation in the above manner.
- Submit a **detailed compliance report** with photographs, statements of executing witnesses, and any publication details, on or before the next date of hearing.

Fix 06-11-2025 for compliance report.

D/C by me

JM1

Judicial Magistrate 1st Court
Raghunathpur, Purulia