



IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr.MMO No.425 of 2023

Date of Decision:1.05.2023

Lalit JaswalPetitioner

Versus

Lakhwinder Kumar & Anr. ... Respondents

Coram:

Hon'ble Mr. Justice Sandeep Sharma, Judge.

Whether approved for reporting? ¹

For the Petitioner: Mr. Mukul Sood, Advocate.

For the Respondents: Mr. Rajan Kahol, Mr. Vishal Panwar and Mr. B.C.Verma, Additional Advocate Generals with Mr. Rahul Thakur, and Mr. Ravi Chauhan, Deputy Advocate Generals, for respondent No.2/State.

Sandeep Sharma, Judge(oral):

Being aggrieved and dissatisfied with orders dated 19.04.2022 and 30.8.2022, whereby petitioner has been ordered to be declared as proclaimed offender, petitioner has approached this Court in the instant proceedings filed under section 482 Cr.P.C, praying therein to quash and set-aside aforesaid orders inasmuch as he has been declared proclaimed offender and grant him one last opportunity to cause his presence before the Court below.

2. Mr. B.C.Verma, learned Additional Advocate General, representing respondent-State submits that he does not intend to file

¹Whether the reporters of the local papers may be allowed to see the judgment?

any reply to the instant petition and this Court may pass appropriate order.

3. Having regard to the nature of the order proposed to be passed in the instant proceedings, this Court deems it not necessary to issue notice to respondent No.1 because it would not only cause inconvenience to him, rather he would be unnecessarily burdened to engage counsel to represent him in the instant proceeding, which otherwise can be disposed of on the basis of the material already available on record.

4. Though, having taken note of the fact that the petitioner failed to come present before the Court below despite repeated notices, there appears to be no illegality and infirmity in the impugned orders passed by learned Court below, whereby petitioner came to be declared proclaimed offender on account of his continuous absence from the trial, however, having taken note of the explanation rendered on record, this Court without going into the correctness of the impugned orders, deems it fit to grant one last opportunity to the petitioner-accused to cause his presence before the Court below, subject to payment of costs of Rs.10,000/- payable to the respondent No.1-complainant.

5. Consequently, in view of the above, the present petition is allowed and orders dated 19.04.2022 and 30.8.2022 are quashed

and set-aside inasmuch as petitioner has been declared proclaimed offender, with a direction to the petitioner-accused to cause his presence before the Court below on 22.05.2023, enabling the Court below to proceed with the matter in accordance with law. Till the time, matter is listed before the Court below on 22.05.2023 police shall take no coercive steps against the petitioner. However, it is clarified that in case petitioner fails to cause his presence before the Court below on the given date i.e. 22.05.2023, orders dated 19.04.2022 and 30.8.2022 shall be automatically revive and police would be at liberty to arrest him and cause his presence before the Court below in terms of the proclamation issued vide order dated 19.04.2022. Pending applications, if any, also stands disposed of.

6. Needless to say, court below shall not proceed with the matter in terms of instant order till the time, costs as quantified hereinabove is not paid to the complainant.

**(Sandeep Sharma),
Judge**

May, 01, 2023
(shankar)