

POLICE CIRCULAR ORDER No. 22

Attachment
of property
of
absconding
accused.

1. When a criminal charge in a cognizable case against an accused is substantiated and he continues to abscond, application for warrant shall be made without delay. The warrant should not be returned, unless the arrest is made or the individual surrenders or it is recalled—Vide P. M. Rules, 109 and 286.

2. If after due efforts, it cannot be executed and the Police Officer has reason to believe that the accused is absconding and concealing himself, a report to that effect shall be made to the Magistrate for issue of Proclamation under section 87 Cr. P. C.

3. Along with the report for action under section 87, Cr. P. C., the officer-in-charge shall submit to the Court Officer a complete list of the absconders property, moveable and immovable, together with an application for attachment under section 88 Cr. P. C.

On receipt of the orders of attachment, the Officer-in-charge shall effect attachment and submit a report in P. M. Form No. 17 to the Magistrate issuing the order, for forwarding a copy to the Superintendent of Police—P. M. Rules 109 and 286.

4. In taking out warrants and submitting reports for action under sections 87 and, 88 Cr. P. C., time should not be wasted, as delay affords opportunity to the absconding accused and his relations to remove valuable properties. Prompt action is necessary in these matters without overlooking the ingredients of law. In important case, when it is quite apparent that the accused is evading arrest; such action should obviously be immediate and no efficient Police officer shows any hesitation on the point.

5. Where the absconding accused is rich or influential, the police action should be swift to ensure surrender. Each case has to be treated on individual merit. There is no legal prohibition to issue of a warrant and processes under sections 87 and 88 Cr. P. C., on the same day. It will be sufficient compliance of law if it is established that a warrant had already been issued against the persons wanted before issue of processes under sections 87 and 88 Cr. P. C. (46 Cr. L. J. 322 Bishnu Dyal *versus* Emperor).

6. The live-stocks and perishable properties can be sold under orders of Magistrate [vide section 88 (5) Cr. P. C.]

7. A draft absconder roll should be submitted to the Superintendent of Police for orders immediately after the attachment of property under sections 87 and 88 Cr. P. C.

Manual Reference

Rule 109 (b)

(Previous Police Circular Order 3 of 1948)