

POLICE CIRCULAR ORDER NO. 306/2000

Sub : Procedure of declaring persons evading arrest as absconders and deletion of P.C.O. 246/82 regarding register of shown absconders in C. S.

1. Sub-rule (a) of Rule 118 of the Police Manual classifies absconders into two classes, namely : (i) those against whom proclamations under section 82 Cr. P. C. have been issued, and (ii) those against whom such proclamations have not been issued. Sub-rule (d) of the same P.M.R. lays down that the names of those absconders against whom proclamation under section 82 Cr. P. C. have NOT been issued shall be entered in the Absconders' Register only under the orders of the District S. P. whereas the O.I.C. of the P.S. shall, immediately, after an order under section 82 Cr.P.C. is issued, enter the name of the person in the Absconders' Register if his name is not already there in the register on the orders of the District S.P.

2. The P.C.O. 246/82 introduced maintenance of a register known as "Register of accused persons shown as absconding in the charge sheet," as the courts were not issuing NBWs and processes under section 82 and 83 Cr.P.C. against persons evading arrest during investigation and before taking cognizance. The Supreme Court in Criminal Appeal Nos. 157-159 of 1997 (AIR. 1997, SC, 2494) decided that the courts can issue NBWs and processes under sections 82 and 83 Cr.P.C. against persons accused of an offence and are evading arrest even during investigation. Consequent upon such decision of the apex court, the P.C.O. 246/82 has become redundant and, hence, is deleted with immediate effect. The system of shown absconders in the chargesheets and maintenance of "Register of accused persons shown as absconding in the chargesheet" at the police stations, therefore, stands discontinued forthwith.

3. It is hereby ordered that henceforth whenever any person accused of an offence is evading arrest during investigation, a prayer shall be made to the Court, after submitting up-to-date case diaries etc., for issuance of NBW and proclamation under section 82 Cr. P. C., and on receipt of which the O. I. C. of the PS shall enter the name of the person in the Absconders' Register and take action as prescribed in PMR 118. If the person still evades arrest, immediate steps for attachment of his property, both movable and immovable, shall be taken under section 83 Cr. P. C. without any delay. The procedure of attachment of property of absconding accused is prescribed in P.C.O. 22 which shall be followed scrupulously.

4. The details of actions taken i.e., obtaining NBW and processes under sections 82 and 83 Cr.P.C., publication of the proclamation, entry of the name of the absconder in the Absconders Register of the PS along with serial number thereof, the attachment and details of property both movable and immovable etc., shall be mentioned in the case

diaries from time to time. If, even after all these efforts have been made, the accused person (s) continue (s) to evade arrest, the O. I. C. or the I. I. C. of the police station shall obtain orders of his C.I. or S.D.P.O., as the case may be, in non-S.R. cases and of the S.P. in S.R. cases to submit charge sheet against the absconding accused person (s).

Sd/-S. K. Chatterjee, IPS.

Dt. 14 2.2000

D.G. & I.G. of Police,

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