



ODISHA POLICE
CRIME BRANCH
CRIMINAL INVESTIGATION DEPARTMENT

CB CIRCULAR NO. 2/2013

During review of pending cases, it was noticed that investigation of many cases is lingering for years together even after submission of part charge sheet only for arrest of absconding accused.

In this connection, it is relevant to bring to your notice that in 2005, section 174-A has been incorporated in the Indian Penal Code by way of amendment which has come into force with effect from 23.06.2006. The provision prescribes punishment of imprisonment for seven years and fine for failure of the proclaimed person to appear at a specified place and specified time, as required by the Proclamation published u/s 82(4) of the Cr.P.C.

It is, therefore, ordered that henceforth in cases where accused persons could not be arrested within reasonable time, Investigating Officers should initiate the following steps:

1. He should move the concerned court for issuance of NBW against the absconding accused.
2. In case of non-execution of NBW within one month, he should move the court for publication of Proclamation under sub-section (i) of section 82 of CrPC in respect of the absconding accused.
3. In the event of failure of concerned person to appear before the court within the specified time, he should move the court to pronounce the accused person as Proclaimed Offender and make a declaration to that effect under sub-section 4 of section 82 CrPC.

4. On the basis of such declaration of the court, the absconding accused shall be liable u/s 174-A IPC for punishment with imprisonment for a term which may extend to seven years and also be liable to fine. Accordingly, the IO must collect certified copy of the declaration from the court, deal the same in the case diary and submit detailed investigation report for orders of the SP/DCP of the district to submit Final Form in the original case to the Court of law.

SsP/DCsP are advised to ensure strict compliance of the aforesaid instruction.



16/12/2013
(B.K. Sharma)

Additional Director General of Police,
CID-Crime, Odisha

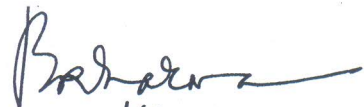
Memo No. 50737 /CID-Inv.

Date 16.12.2013

Copy to:

- All District SsP including SsRP, Rourkela/Cuttack/DCsP Cuttack & Bhubaneswar
- SsP CID, CB, Cuttack/ STF/EOW, Bhubaneswar
- Commissioner of Police, Bhubaneswar-Cuttack, Bhubaneswar/Addl.DGP, HRPC, Cuttack/All Range IsGP/ DIsGP/IGP, Railways, Cuttack

for information and necessary action please.



16/12/2013
(B.K. Sharma)

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CID-Crime, Odisha

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