

C I R C U L A R

No. 07/P.I./2017

Dated 30.03.2017

It has been observed in some cases that accused is/are declared absconding (proclaimed offenders) but either Standing Arrest Warrants are not issued or if issued, do not reach to the concerned Police Station and its entries are not made in the Registers of Absconders maintained in Court and Police Station. Some of these cases are also consigned to record without initiating proceedings under Section 82, 83 and 446 Code of Criminal Procedure and even without ensuring the issuance of Standing Arrest Warrant.

It has also come to notice that in some cases, FIRs are sent to the Court but Charge Sheet or Final Report is not submitted for long to the Court. Courts do not regularly monitor such cases and progress of investigation is not called from Investigating Agency.

It has also been noticed that in some cases, where the conviction order is passed or affirmed by the appellate court, it is not ensured by the concerned trial court that the order of conviction has been executed or not.

All the above situations virtually amount to acquittal of the accused person. This is certainly counterproductive for the entire Criminal Justice System and needs to be immediately checked.

It is therefore, enjoined upon all the Presiding Officers to take following steps regularly-

1. In all cases where the accused is declared absconding, Standing Warrant is invariably issued without any delay and due entries of such warrant is made in the Absconder's Register of Court. The Serial number and date of entry of the Standing Arrest Warrant made in Police Station's Absconder Register be called and its cross endorsement be made in the Court's Absconder Register.
2. In all such cases, it is to be ensured that proceedings under Section 446, 82/83 Code of Criminal Procedure are instituted and all required legal steps to ensure the presence of accused have been initiated.
3. Physical verification of all the pending and disposed of files be made in which accused persons are declared absconding to

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been made in Absconder's Register of Court and Police Station. During physical verification of such files, it must also be ensured that the proceedings under Section 446 and 82/83 Code of Criminal Procedure have been initiated.

4. Details of Standing Warrants/PO/Absconders are also available on the official web site of Rajasthan Police www.police.rajasthan.gov.in. For cross verification of the Standing Warrants, assistance of this web site may also be taken.
5. Whenever, an accused person who has been declared absconder, and later on, is enlarged on bail, it must be ensured that his Standing Arrest Warrant is called back and attached to the file after making due endorsement in the file.
6. Regular monitoring of all the pending FIRs be made and in the cases where no intimation is being sent by the Police Station about the progress of investigation, report be called from Police Station to ensure that no FIR remains pending for indefinite period without Charge Sheet or Final Report.
7. Whenever, order of conviction is passed or affirmed by the Appellate Court, the concerned Trial Court will ensure that all necessary steps for execution of order of conviction have been taken. The trial courts will also verify the fact of execution in previously disposed of matters.

All the District & Sessions Judges will monitor the compliance of above directions in bi-monthly meetings and factual details thereof be mentioned in the minutes of bi-monthly meetings.

BY ORDER


REGISTRAR GENERAL

No. Gen./XV/43/2017 /3417

Date: 30/03/2017

Copy forwarded to all the District & Sessions Judges with the request to circulate the same amongst all the subordinate Courts in their judge-ships for information and compliance.


REGISTRAR GENERAL