

## Proclamation and Attachment under CrPC

- Where the summons for the attendance of the accused person is to be issued, but the court believes the accused may abscond or when the accused fails to appear before the court without any reasonable cause, a warrant of arrest is issued.
- Now, the warrant of arrest has been issued, and there is reason to believe that the accused has absconded or is hiding himself to avoid the execution of the warrant.
- The court may publish a written proclamation requiring the accused to appear before the court and may attach his property.
- If the accused fails to appear after the proclamation as well, the court may also attach the property of the accused, and the property will be at the State Government's disposal.
- These provisions have been dealt with under sections 82 to 86 of the Criminal Procedure Code.

### When a Court May Publish a Written Proclamation?

If any court has a reason to believe that any person against whom a warrant has been issued;

1. has absconded, or
  2. is concealing himself
- Then a court may publish a written proclamation specifying the place and time (not less than 30 days from the date of such publication) for him to appear.

### Essentials of Proclamation

According to the Criminal Procedure Code, these are the four essentials of proclamation:

- The proclamation shall be read publicly in the part of the town or village where such person resides;
- The written proclamation shall be affixed to some conspicuous (clearly visible) part of the house in which such person resides;
- A copy of such publication will also be affixed at the courthouse;
- If the court thinks fit, it may order to publish such publication in a daily newspaper circulating in the area where such person resides.

### Attachment of Property Section 83

- Anytime after the proclamation under section 82 of the Criminal Procedure Code, the court may order attachment of property, whether movable or immovable belonging to the proclaimed person.
- Reasons shall be recorded for such attachment.
- Attachment may be ordered simultaneously with proclamation if the court has a reason to believe that the person proclaimed is about to:

1. dispose of the whole or any part of the property,
  2. remove the whole or part of the property from the local jurisdiction of the court.
- The property attached will be at the disposal of the State Government.

#### **Claims and Objections to Attached Property Section 84**

- Claims and objections can be made by the interested person other than the person proclaimed for the attached property **within six months from the date of attachment.**
- Such a claim or objection shall be inquired into and may be allowed or disallowed in whole or in part.

#### **Release, Sale and Restoration of Attached Property Under Section 85**

- As per section 85 of the CrPC, if the proclaimed person appears before the learned court within the time specified, his property shall be released.
- If the proclaimed person doesn't appear within the time specified, the property comes at the disposal of the State Government. But it shall not be sold until;
  1. Six months expires from the date of attachment, and
  2. Any claim or objection is disposed of.
- Unless the property is perishable in nature or if the court considers that the sale would benefit the owner.
- If within two years of the date of attachment, the person whose property was at the disposal of State Government appears or is brought before the court.
- In this case, the property or the sale proceeds will be delivered to him if he satisfies the court that he did not abscond or conceal himself.
- According to section 86 of the Criminal Procedure Code, any person who is aggrieved by the refusal of delivery of property or sale proceeds may appeal to the court, to which appeal ordinarily lies from the sentences of the first-mentioned court.