

Criminal Procedure Code, 1973, Section 82, 83, 174 - Witness - Whether action can be taken against him under section 82 or deals only with accused persons - Procedure against a witness, who has failed to appear despite notice of summons/warrants/bailable warrants, proclamation under Section 82(1) Cr.P.C., is to take action under Section 350 Cr.P.C. as well as Section 174 IPC - Admittedly, under Section 82(1) Cr.P.C., the Court can issue proclamation against any person against whom warrant has been issued and is avoiding execution of the warrant but Section 82(4) Cr.P.C., specifically deals only with accused persons, who are facing offence for heinous crime like Section 302 (in the present case) and subsequently, it is only Section 82(4) Cr.P.C., the accused can be declared a proclaimed offender and not a witness under Section 82(1) Cr.P.C.

Editors note: Directions set aside in [\(2023-4\)212 PLR 291 \(SC\)](#)

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