

Section 82 of the Code of Criminal Procedure (CrPC) empowers the court to issue a proclamation against a person when a warrant issued against him remains unexecuted for evasion, concealment, or abscondance of such person. Section 83 of the CrPC mandates and empowers the court issuing a proclamation under Section 82 to attach any property, movable or immovable, or both, belonging to the proclaimed person. The proviso to Section 83 provides that if the court is satisfied by affidavit or otherwise that the person in relation to whom the proclamation is to be issued is about to dispose of the whole or any part of the property or to remove the said property from the local jurisdiction of the court, it may order the attachment of the property simultaneously with the issue of the proclamation. The process under Section 83 can be issued without issuing the process under Section 82 first, and it is not necessary to delay the process under Section 83 until the time fixed in the process under Section 82 has elapsed. However, the process under Sections 82 and 83 cannot be issued unless it is established that a warrant has already been issued against the person wanted, and that person is absconding.

Safayatullah Khan v. The State Of Bihar (Jharkhand)