



When a person is declared a Proclaimed Offender (PO) under Section 84 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), it becomes a serious legal situation. However, there are legal remedies available for the proclaimed offender to seek relief. Here's a step-by-step explanation:

Step-by-Step Relief Options for a Proclaimed Offender

1. Surrender before the Court

1. The PO must surrender before the concerned Magistrate or Sessions Court who declared them a proclaimed offender.
2. After surrender, they can apply for bail
3. The court will consider the reasons for absconding and may grant regular or interim bail, depending on the facts.

2. File for Anticipatory Bail (If PO status is not yet formally notified)

- a. If a person has not yet been declared a PO but fears it, they can move an anticipatory bail application under Section 482 of BNSS.
- b. Once declared PO, anticipatory bail is generally not entertained, but in exceptional cases, High Courts may still consider it.

3. Quashing of PO Proceedings

The PO can file a petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) (inherent powers of High Court) to quash the proclamation if:-

- a. The procedure under Section 84 BNSS was not properly followed.
- b. There was no real intent to abscond.
- c. Notice was not served properly.

4. Apply for Recall of Proclamation

In some cases, courts have allowed recall of PO orders, if sufficient cause is shown for non-appearance (like medical emergency, etc.).

5. Challenge the PO Declaration in High Court

If lower courts are not providing relief, a writ petition under Article 226/227 of the Constitution can be filed in the High Court challenging the illegality or impropriety of the PO order.

Important Case Laws:

Lavesh v. State (NCT of Delhi), (2012) 8 SCC 730: Held that anticipatory bail is not maintainable for a proclaimed offender.

Ashok Kumar v. State of Haryana, 2013 SCC Online P&H 18997: High Court quashed PO proceedings due to procedural lapses.

Consequences of Not Getting Relief:

- a. Property can be attached under Section 85 of BNSS.
- b. Passport may be impounded or LOC (Look Out Circular) issued.
- c. Risk of arrest at any time.