



The procedure for declaring someone a Proclaimed Offender (PO) in India is governed primarily by Section 84 and 85 of The Bharatiya Nagarik Suraksha Sanhita, 2023. This process is used when an accused person is evading arrest or absconding despite the issuance of a warrant.

Step-by-Step Procedure for Declaring Someone a Proclaimed Offender:

1. Issue of Warrant of Arrest (BNSS Section 70)

First, the court issues a non-bailable warrant (NBW) against the accused.

If the accused cannot be found or intentionally avoids the warrant, the next step begins.

2. Court's Satisfaction That Accused Is Absconding

The court must be satisfied that the accused has absconded or is concealing himself to avoid arrest.

3. Proclamation Under Section 84 OF BNSS

The court issues a Proclamation Notice requiring the accused to appear within 30 days from the date of publication.

The proclamation must be:

Publicly read in a conspicuous place of the accused's residence.

Affixed to the house or in some conspicuous part of the town/village.

Published in a newspaper if the court thinks it is necessary.

4. Declared as Proclaimed Offender

If the accused fails to appear within the time given, the court formally declares him a Proclaimed Offender.

For certain offences (e.g., murder, dacoity, robbery, rape, etc.), the accused may be declared as a Proclaimed Offender (not just proclaimed person).

5. Attachment of Property (Section 85 BNSS)

Once proclaimed, the court may order the attachment of the accused's movable and/or immovable property.

The procedure involves:

Issuance of a written order.

Specifying the property.

Execution by police or authorized officer.

6. Publication and Execution

The proclamation and property attachment order are published and executed per procedure.

Legal Consequences for a Proclaimed Offender:

Their property may be seized or auctioned.

They may not get anticipatory bail.

Additional charges under Section 209 BNS (non-compliance of proclamation):

Up to 3 years imprisonment (general case).

Up to 7 years imprisonment (serious offences like murder, dacoity, etc.).

Key Legal Provisions:

Provision Description

Section 84 BNSS Proclamation for person absconding

Section 85 BNSS Attachment of property of person absconding

Section 209 BNS Punishment for non-appearance in response to a proclamation

Important Notes:

Only a Magistrate or Sessions Judge can initiate this process.

The accused can later apply to cancel PO status, but must give valid reasons for non-appearance.