

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

Crl. Appeal-S-2154-SB-2003 (O&M)
Date of decision: 27.2.2020

Swaran Kaur

...Appellant

Versus

State of Punjab and another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. HS Randhawa, Amicus Curiae,
Legal Aid Counsel for the appellant.

Mr. S.S. Sandhu, AAG, Punjab.

JAISHREE THAKUR, J. (Oral)

Status report by way of affidavit of Sub-Inspector, Jabarjit Singh, SHO Police Station City Gurdaspur, has been filed in Court today. The same is taken on record.

The appellant herein Swaran Kaur had been convicted by the Additional Sessions Judge, Gurdaspur under Section 304-B IPC and sentenced to undergo rigorous imprisonment for a period of 7 years and to pay fine of ₹5,000/-. Feeling aggrieved against the said judgment of conviction, the appellant has filed the present appeal.

Learned counsel for the appellant at the outset states that the present appeal stands abated as the whereabouts of the appellant are not known for the last years. He further submits that the fact that appellant is not traceable as is apparent from the status report filed in Court today and the natural outcome would follow from the provisions of Section 108 of the

Evidence Act would be attracted which stipulates that in case a person is not heard of for seven years, it will be presumed that he is no longer alive and the onus to prove that he has not dead will be on the person who alleges it. In support of his contention, learned counsel relies upon the judgment rendered in **Ramrati Kuer V. Dwarika Prasad Singh and others AIR 1967 SC 1134.**

Learned counsel for the State is not in a position to deny the aforesaid position on facts as well as law.

In view of the above, the present appeal stands abated.

27.2.2020
prem

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No