

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

**CRR-2649 of 2009
Date of Decision:- 24.05.2022**

Ravinder Pal Sigh Sandhu

....Petitioner

Vs.

Superdot Computer and another

....Respondents

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Rajiv Joshi, Advocate
for the petitioner.

Ms. Samina Dhir, DAG, Punjab.

Mr. Arun Bakshi, Advocate
for the complainant.

KARAMJIT SINGH, J.(Oral)

The present criminal revision petition has been filed by the petitioner against the judgment dated 24.03.2008 passed by the Court of JMIC, Jalandhar, vide which the petitioner was convicted under Section 138 of Negotiable Instruments Act and sentenced to imprisonment for a period of one year and to pay a fine of Rs.10,000/- and in default of payment of fine to further undergo simple imprisonment for a period of one month and out of said

amount of fine, Rs.8000/- was ordered to be paid to the complainant as compensation, under Section 357 Cr.P.C. and judgment dated 13.07.2009, whereby the appeal filed by the petitioner against the aforesaid judgment was dismissed by the Court of Additional Sessions Judge, Jalandhar.

The petitioner being dissatisfied filed the present criminal revision petition against the aforesaid judgments, in 2009.

Notice was issued to respondent No.2/complainant and Mr. Arun Bakshi, Advocate has put in appearance on behalf of respondent No.2/complainant.

The present revision petition was admitted vide order dated 14.10.2010.

As per order dated 15.03.2017, it appears that the matter was put up before the Lok Adalat and on that date the following order was passed by the President of Lok Adalat:-

“Present: None for the petitioner.

Mr. Arun Bakshi, Advocate for respondent No.1/complainant.

Ms. Ambika Sood, DAG, Punjab for respondent No.2.

As per office report, notice issued to the petitioner has been received back with the report that wife of the petitioner had stated that petitioner was missing for the last about 6-7 years and she was having

no information about him. Despite having been informed, learned counsel for the petitioner has not come present.

In view of the same, there is no possibility of compromise in this case in Lok Adalat. Hence, the same is sent back to the Hon'ble High Court for adjudication."

From the perusal of aforesaid order, it appears that even in 2017, the petitioner was missing for the last about 6-7 years as was reported by his wife, who was having no information about the whereabouts of the petitioner.

Even today, the counsel for the petitioner submitted that he failed to make any contact with the petitioner or any other member of his family.

In view of the above, as the whereabouts of the petitioner are not known for the last more than 7 years by those who would naturally have heard of him if he had been alive, so as per the provision of Section 108 of Indian Evidence Act, the petitioner is presumed to have died.

In view of the matter, the present revision petition stands disposed of.

24.05.2022

P. Chawla

**(KARAMJIT SINGH)
JUDGE**

Whether reasoned / speaking?

Yes / No

Whether reportable?

Yes / No