

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

225

CWP-196-2022
Date of Decision: 19.03.2024

DARBARA SINGH Petitioner

VERSUS

DISTT. AND SESSION JUDGE, LUDHIANA THROUGH
ITS SUPERINTENDENT Respondent

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: Mr. N.K. Malhotra, Advocate
for the petitioner.

Mr. Ajaivir Singh, Advocate
for the respondent.

VINOD S. BHARDWAJ, J. (ORAL)

1. Prayer in the present writ petition is for seeking issuance of direction to the respondents for supplying copies of the orders and other documents applied by the petitioner Vide Annexure P-6 to P-8 dated 07.01.2021, 08.03.2021 and 16.11.2021.
2. Consequent upon the directions issued by this Court, an affidavit has been filed by the District & Sessions Judge, Ludhiana wherein it has been averred that the General Manager (Telecom), BSNL Ltd. Ludhiana had intimated to the office of the District & Sessions Judge, Ludhiana that the file in the preferred case was not traceable owing to which retiral/terminal benefits of the petitioner had been withheld. Information was procured from

the CIS portal wherefrom it was noticed that a criminal case titled as “State of Punjab versus Ajay Arora” arising from FIR No. 93 of 2008, Police Station-Sadar Ludhiana was registered on 17.04.2009 and its status has been shown ‘disposed’ but the nature of the disposal is appearing as contested-transfer. An enquiry was directed to be conducted by the Civil Judge (Junior Division), Ludhiana and to submit a report as regards the whereabouts of the judicial file vide letter dated 27.10.2021. A report was furnished by the Civil Judge, Junior Division, Ludhiana on 21.03.2022 whereby it was informed that the whereabouts of the judicial file are not traceable and that the file has seemingly been lost and due to which the exact status of the case could not be determined. Efforts were accordingly made to reconstruct the file from all possible sources and vide letter dated 03.12.2022, it was informed that the file had been re-constructed partly from page 1 to page 79 from the police file and that the responsibility of the official who committed the lapse was also fixed and proceedings have already been initiated. It has been further averred that despite all efforts, the complete reconstruction of the file could not be done and that vide letter dated 02.08.2023, the District & Sessions Judge, Ludhiana has been informed that the case was at the initial stage and the reconstructed documents which included photocopy of the FIR and challan, contained sufficient material to start proceedings of the case. It was also reported that non-reconstruction of the file would not have any prejudicial impact on the proceedings to be initiated.

3. In view of the aforesaid communication, a letter dated 15.09.2023 was sent by the Registrar General, Punjab and Haryana High Court directing the District & Sessions Judge, Ludhiana to drop the proceedings for reconstruction. It was also directed that the case be

proceeded with on the basis of the reconstructed file. The proceedings are thus underway.

4. Counsel for the respondent has informed that as and when the proceedings culminate and the order is passed, the requisite information sought for would be supplied in due course.

5. Counsel for the petitioner submits that he has no further subsisting grievance in lieu of the above said affidavit filed by the respondents. The present writ petition is disposed of as having been rendered infructuous at this stage.

MARCH 19, 2024
Vishal sharma

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No