

CNR No:PBLD030505862023 **CASE No:COMA-47070-2023**
M/S ADFERT TECHNOLOGIES PRIVATE LIMITED Vs M/S
SALABATPURA PESTICIDES

Present: Sh.Sushil Kumar Rana advocate for the complainant.
None for accused.

File received by way of transfer. It be registered.

Today, the case was fixed for awaiting presence of accused. The case has been called out several times but the accused has failed to turn up in the Court. Perusal of file shows that on previous date of hearing, proclamation by way of publication issued against the accused was received back duly effected on 05.07.2026. Statutory period of 30 days for awaiting the presence of the accused person from the date of effecting of proclamation by way of publication has already been elapsed. The accused person against whom proclamation by way of publication has been effected is accused of the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 which is not punishable with imprisonment of ten years or more, or with imprisonment for life or with death. As per the judgment dated 12.12.2011 passed by Hon'ble Punjab and Haryana High Court titled as Rahul Dutta vs. State of Haryana, 2012 (2) RCR (Criminal) 585, such a person can only be declared a 'proclaimed person' in terms of Section 82 (1) Cr.P.C. [Section 84 (1) BNSS, 2023]. Therefore, in the light of the above-referred judgment, the accused (as summoned in the present complaint) are declared as Proclaimed Person. Copy of this order be sent to the concerned SHO with the direction to make the necessary entry in the relevant register.

The Counsel for the Complainant came present and stated at bar that the evidence tendered by the complainant at the time of preliminary evidence be read as evidence u/s 299 Cr.P.C/Section 335 BNSS and that the complainant is not in possession of any list of property of the accused person at present. Accordingly, the evidence tendered by the complainant at the time of preliminary evidence be read as evidence u/s 299 Cr.P.C/Section 335 BNSS and the Ahlmad is directed to put up the file as and when the complainant files the list of property of accused person as per Section 83 Cr.P.C. [Section 85 BNSS, 2023]. File be consigned to the Record Room after due compliance and be put up again as and when the accused surrender or produced by the police authorities.

Date of Order: 12.08.2026
Harpreet Kaur-II

(Garima Bhargav)
JMIC/Ludhiana
UID No.PB0751