

**IN THE HIGH COURT OF MANIPUR
AT IMPHAL**

Crl. A. No. 1 of 2016

Thokchom Kesho Singh, aged about 47 years, S/o
Th. Maimu Singh of Toubul Mayai Leikai, P.O., P.S.
& District Bishnupur, Manipur.

...Petitioner

-Versus-

The State of Manipur

.... Respondent

BEFORE
HON'BLE THE CHIEF JUSTICE MR. SIDDHARTH MRIDUL

For the Petitioner :: Mr. S. Jibon, Adv.

For the Respondents :: Mr. RK Umakanta, PP

Date of Hearing and
Judgment & Order :: **14.12.2023**

JUDGMENT AND ORDER
(ORAL)

1. The present appeal had been instituted on behalf of
Mr. Thokchom Kesho Singh, S/o Thokchom Maimu Singh assailing
his conviction under Section 324 IPC vide Judgment of Conviction
dated 03.12.2015 and Judgment of Sentence dated 04.12.2015
whereby he was sentenced as follows :-

“Accused/convict, namely, Thokchom Kesho Singh is produced before the Court in c/w the sentence hearing by the jail authorities.

I have gone through the material records.

Regarding the sentence hearing I invite to the convict to say anything relating to the sentence for the offence punishable under Sec. 324 I.P.C. The convict/accused prays for leniency.

In the course of argument the Ld. Addl.P.P. submits that in the nature of the present case, the accused/convict is to be suffered the maximum punishment for the offence committed U/S 324 I.P.C. On the other hand, the Ld. Defence counsel submits that the sentence for the offence U/S 324 IPC may be reduced to the period of judicial custody as Under Trial Prisoner.

In the present case, the benefit of section 360 of Cr.P.C. is not applicable to the accused/convict.

Regarding the sentence to be given to the accused/convict, in my considered opinion it will meet the ends of justice, if the accused/convict to Rigorous Imprisonment for 3 (three) years and a fine of Rs. 500/- (Rupees five hundred) only of the accused/convict and in default of payment of fine, to suffer a further period of 1 (one) month. The period of detention suffered by the accused/convict as under trial Prisoner shall be deducted from the aforesaid R.I. awarded to him.

The seized Ext. M.O. 1 to M.O. 5 will be destroyed after statutory period or appeal/revision whichever is later.

Send a copy of this order to the Superintendent, Manipur Central Jail, Sajiwa for doing the needful.

Announced in the open Court.

*Sd/-
(Ch. Brajachand Singh)
Sessions Judge, Bishnupur."*

2. Learned counsel appearing on behalf of the parties state that, during the pendency of the appeal, Mr. Thokchom Kesho Singh has passed away. The I.O., Bishnupur Police Station, Bishnupur District, Manipur, has verified the factum of the appellant's demise.

3. In view of the foregoing, the present appeal has abated in terms of the provision of Section 394 Cr.P.C., 1973 and is disposed of accordingly.

CHIEF JUSTICE

FR/NFR

Sushil