

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

Crl.A. No. 1 of 2008

Dr. A. Gojendro Meetei

Appellant

Vs.

State of Manipur

Respondent

***Clubbed with Crl.A. No. 15 of 2008
With Crl.A. No. 22 of 2008
With Crl.A. No. 3 of 2009***

BEFORE

HON'BLE THE CHIEF JUSTICE MR. KEMPAIAH SOMASHEKAR

ORDER

21.07.2025

[1] Learned counsel Mr. Ph. Sanajaoba for the appellant was nominated as an Amicus Curiae and represented by the counsel Ms. Ashapriya. Learned Special PP for CBI Mr. W. Darakishwor is present.

[2] Whereas under this appeal, the appellant is challenging the judgment and conviction of order of sentence rendered by the Court of the Special Judge No. 1, Manipur West, Imphal in Special Trial Case No. 8/99/6 of 2007.

[3] The conviction has been held against the accused for the offences under Section 120-B of Indian Penal Code, 1860 read with Section 5(2) of the PC Act, 1947 and so also Section 5(1) (d) of the Prevention of Corruption Act, 1947 and Section 420, 468 and 471 of the Indian Penal Code, 1860 and inclusive of Section 5(2) of the Prevention of Corruption Act, 1947 and so also offences under Section 420, 468 and 471 of Indian Penal Code, 1860 and same has been indicated in the operative portion of the order rendered by the learned Special Judge-I, Manipur West passed on 29.12.2007 .

[4] Subsequently to rendering judgment and order, the learned Special Judge-I was pleased to pass the order of sentence on 22nd January, 2008.

[5] Whereas, under this appeal, the appellant is challenging the aforesaid judgment and order of sentence in Special Trial Case No. 8/99/6/2007 dated 29.12.2007 and 22.01.2008.

[6] During the course of the pendency of this appeal, the appellant/accused No. 1 and 2 namely, Dr. Gurumayum Mani Sharma and Dr. Ayekpam Gojendro Meetei respectively had died and to that effect, the counsel for the appellant herein had submitted the death certificate for the said appellant/accused No. 2 which finds place on the record in the proceeding of MC(Crl.A.) No. 7 of 2025 (Ref: Crl.A. No. 1 of 2008) for the accused No. 2/appellant in Crl.A. No. 1 of 2008.

[7] The accused namely, Dr. Ayekpam Gojendro Meetei was died on 02.02.2024 and therefore, the counsel for the appellant in Crl.A. No. 1 of 2008 has produced the death certificate issued by the Government of Manipur.

[8] However, keeping in view the provision of Section 394 (1) of Cr.P.C. it reveals as every appeal under Section 377 or Section 378 shall finally abate on the death of the accused whereas Section (2) states that every other appeal under this Chapter (except an appeal from a sentence of fine) shall finally abate on the death of the appellant : Provided that where the appeal is against a conviction and sentence of death or of imprisonment, and the appellant dies during the pendency of the appeal, any of his near relatives may, within thirty days of the death of the appellant, apply to the Appellate Court for leave to continue the appeal; and if leave is granted, the appeal shall not abate.

[9] Therefore, keeping in view the provision of Section 394 of the Cr.P.C. in this matter, it is deemed appropriate that the appeal which is filed by the appellant/accused in Crl.A. No. 1 of 2008 stands abated.

[10] Whereas, the appellant/accused is engaging the service of the counsel and therefore, the counsel is required to be present for appraising the facts relating to the death certificate of accused No. 2 to persuade this matter in accordance with the relevant provision of Section 394 of the Cr.P.C.

[11] Accordingly, made an observation.

[12] Hence, this matter be listed for hearing in respect of the appellant/accused No. 2 keeping in view the provision of Section 394 Cr.P.C. for abatement of appeals.

[13] Hence, this matter is listed on 06.08.2025.

[14] However, keeping in view the submission made by the learned Special PP for the CBI are concerned, it is deemed appropriate that the appeal against the appellant/accused No. 1 namely, Dr. Ayekpam Gojendro Meetei stands disposed of/stands abated in pursuance of the death of the appellant during the pendency of the appeal and so also keeping in view the provision of Section 394 of Cr.P.C. and consequently, the appeal against the appellant/accused No. 1 stands abated.

[15] Accordingly, the appeal in Crl. A. No. 1 of 2008 is hereby disposed of.

[16] The Registry be directed to list the proceeding in Crl. A. No. 15 of 2008, Crl.A. No. 22 of 2008 and inclusive of Crl.A. No. 3 of 2009 06.08.2025. However, the learned counsel for the appellant in Crl.A. No. 15 of 2008 be directed to clarify the status of Section 394(1) of the Cr.P.C. of the abatement of this appeal against the appellant/accused No. 2.

[17] Accordingly, made an observation.

[18] Consequently, the aforesaid appeal matters would be listed on 06.08.2025.

Sushil

CHIEF JUSTICE