

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

Case No.: Crl LP No. 21/2020
CrlM No. 1124/2024

Date of Pronouncement:- 30.01.2026
Uploaded on: 31.01.2026

Union Territory of J&K.

.... Appellant/Petitioner(s)

Through:- Ms. Sagira Jaffer, Advocate vice
Mrs. Monika Kohli, Sr. AAG.

V/s

Gurcharan Singh and Anr.

.....Respondent(s)

Through:- None.

CORAM: HON'BLE MR. JUSTICE SANJAY PARIHAR, JUDGE

ORDER

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1. The instant application has been filed by the applicant, seeking condonation of delay of 440 days in filing the Criminal Acquittal Appeal.
2. For the reasons stated in the application, coupled with the submissions made at the bar, the same is allowed and delay of 440 days in filing leave to appeal is condoned.
3. Application is, accordingly, *disposed of*.

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4. Learned counsel for the appellant, during the course of hearing, fairly conceded that the respondent No. 2, namely, Manjeet Singh, who only faced trial before the trial Court in Sessions case No. 16 dated 08.10.2007, which resulted into his acquittal on 22.09.2019, whereas the respondent No. 1 had already been proceeded under

Section 512 Cr.PC, so there is no finding of acquittal against the respondent No. 1.

5. Learned counsel for the appellant further submits that the respondent No. 2 has died during the currency of the present proceedings and with the demise of the respondent No. 2, the petition has been rendered infructuous. It appears to be a case of preparation of fake Permanent Resident Certificate, that led to the registration of offence under Sections 420, 467, 468, 471 & 120-B RPC.
6. Though both the respondents were challaned before the trial Court, however, charge-sheet was laid in absence of respondent No. 1, as he had absconded and consequently, proceedings under Section 512 Cr.PC were initiated against him, whereas the respondent No. 2 was committed to the Court of Sessions for trial. With his acquittal, the same was questioned before this Court by way of the present proceedings and with his demise, the appeal to the extent of respondent No. 2 stands *abated*. However, with regard to the respondent No. 1, since he was an absconder, the trial Court in its judgment has consigned the matter to record till the whereabouts of respondent No. 1 are ascertained and he is to be put to trial. Admittedly, the respondent No. 1 has not faced trial so far. Therefore, the question of his acquittal or conviction does not arise until he is put to trial and in fact, appeal to the extent of respondent No. 1 is premature.
7. With the appeal having been abated insofar as the respondent No. 2 is concerned, it does not survive against the respondent No. 1

because he is yet to face trial, as whatever evidence the Investigating Agency has collected, is required to be put to him during trial. This petition, therefore, does not survive and is consigned to record, leaving the trial Court to proceed ahead to secure the presence of respondent No. 1, namely, Gurcharan Singh so as to enable it to put him to trial for offence under Sections 420, 467, 468, 471 & 120-B RPC.

8. *Disposed of.*

(SANJAY PARIHAR)
JUDGE

JAMMU
30.01.2026
Ram Krishan

