

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
CRMP No. 678 of 2015

1. Chinna alias B. V. Prasad, S/o Jagga Rao, aged about 19 years,
 2. Devi Prasad Rao, S/o Jagga Rao, aged about 21 Years,
 3. B. Jagga Rao, S/o B. Surya Narayan, aged about 53 Years,
- All R/o Qr. No. 103-B, Zone -I, Bhilai, Marshalling Yard,
Charoda, Tahsil & District Durg Chhattisgarh

---- **Petitioners**

Versus

- State of Madhya Pradesh (Now Chhattisgarh)

---- **Respondent**

For Petitioners	:	Mr. Md. Tariq Haider, Advocate
For Respondent	:	Mr. Mahesh Mishra, Panel Lawyer

Hon'ble Shri Justice Inder Singh Uboweja

Order on Board

07-08-2015

- 1) This is a petition under Section 482 of the Code of Criminal Procedure, 1973 (for short, 'the Code') for modification of the judgment dated 13.07.2015 passed in Criminal Appeal No. 1607 of 1998.
- 2) Learned counsel for the petitioners submits that the case was heard and reserved for judgment on 09.07.2015. Inadvertently either of the parties could not bring before the Court during the course of argument the fact that appellant No.3 i.e. B. Jagga Rao died on 08.12.2007. Death certificate (Annexure A/2) of appellant No.3 is annexed with the petition and the same is taken on record. He further submits that although the State counsel was directed to verify and submit the report regarding

present status of the appellant No.3, but the same has not been submitted by the State counsel.

- 3) The State counsel has not disputed the above submissions.
- 4) In view of above, petition for modification is allowed. Judgment passed in Criminal Appeal No. 1607/1998 delivered on 13.07.2015 is modified to the extent that so far as it relates to appellant No.3, B. Jagga Rao is concerned, the appeal is dismissed as abated and judgment passed in Criminal Appeal No. 1607/1998 delivered on 13.07.2015 shall be treated only in relation to appellant Nos. 1 and 2 Chinna alias B.V. Prasad and Devi Prasad respectively. Rest of the contents shall remain unaltered.

Sd/-
(I.S.Uboweja)
JUDGE