

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPEAL NO. 410 OF 2014

The State of Maharashtra,
S.H.O. Police Station, Chakur,
Tq. Chakur, Dist. Latur.

...Appellant

versus

Balaji s/o Baburao Padile,
Age: 35 years, Occ: Agri.,
R/o. Ujalmb, Tq. Chakur,
Dist. Latur.

...Respondent

.....
Mr. S.D. Kaldate, A.P.P. for appellant.
.....

**CORAM : S.S. SHINDE &
N.W. SAMBRE , JJ.**

**RESERVED ON: 26/11/2014
PRONOUNCED ON: 13/03/2015**

JUDGMENT : (PER N.W. SAMBRE, J.)

. This appeal is by the State against the judgment of acquittal delivered by the Additional Sessions Judge, Latur in Sessions Case No. 99 of 2010 dated 20th December, 2012 for the offence punishable under Sections 302, 498A read with Section 34 of the Indian Penal Code.

2. The accused/respondent to the present appeal was charged with the offence punishable under Sections 302, 498A

read with Section 34 of the Indian Penal Code for unnatural death of the deceased Kanchan who was wife of the original accused No.1 and daughter-in-law of the original accused Nos. 2 and 3.

3. As the prosecution felt that there was a case on merit for an appeal against acquittal, the present Criminal Appeal was preferred, however, this Court while admitting the Criminal Appeal has admitted the same only against original accused No.1 i.e. respondent to the present appeal.

4. The Additional Sessions Judge and Special Judge, Latur has reported that the accused No.1 i.e. respondent herein against whom the present appeal was admitted, namely, Balaji Baburao Padile has expired some time in September/October, 2014.

5. The above referred fact was noticed while complying with the requirement of Section 390 of the Code of Criminal Procedure as is ordered by this Court while admitting the appeal on 14th July, 2014.

6. The Deputy Sarpanch of the Grampanchayat, Ujlamb, Taluka Chakur, District Latur has submitted a report in response to

an enquiry made by the Police Head Constable Mh. Shaikh about the death of the accused Balaji. As such, it was later on submitted to the Court of Sessions Latur, who in turn has reported the same to this Court.

7. In view of the above, it will be appropriate to dispose of the present Criminal Appeal as infructuous as the same stands abated in view of the provisions of Section 378 of the Code of Criminal Procedure.

8. In view of above, the present Criminal Appeal is disposed of as infructuous as it stands abated in view of the provisions of Section 378 of the Code of Criminal Procedure. Order accordingly.

[N.W. SAMBRE, J.]

[S.S. SHINDE, J.]