

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Crl. Appeal S-1493-SB of 2002
Date of Decision : September 09, 2015

Vijay Pal

.....Appellant

VERSUS

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE T.P.S. MANN

Present : Mr. Rahul Rathore, Advocate
for the appellant.

Mr. Praveen Bhadu, Asstt. A.G. Haryana

T.P.S. MANN, J. (Oral)

Appellant-Vijay Pal, alongwith his brother Vedpal and mother Smt. Ankur Devi, was tried for committing offences punishable under Section 304-B read with Section 34 IPC. During the trial of the case, Smt. Ankur Devi died and, accordingly, proceedings against her abated. Vide judgment and order dated 10/13.9.2002, the Additional Sessions Judge, Sonapat acquitted accused-Vedpal of the charges against him. However, the appellant was held guilty under Section 304-B IPC and sentenced to undergo rigorous imprisonment for a period of seven years and to pay a fine of Rs. 1,000/- and in default of payment of fine, to further undergo rigorous imprisonment for a period of six months.

Aggrieved of his conviction and sentence, the appellant filed the present appeal which was admitted on

26.9.2002. Subsequently, on 8.4.2004, this Court had suspended the sentence of imprisonment of the appellant and released him on bail on his furnishing bonds to the satisfaction of Chief Judicial Magistrate, Sonapat.

On 1.5.2015, when the appeal was taken up for final hearing, none had put in appearance on behalf of the appellant. Accordingly, while adjourning the hearing of the appeal to 5.8.2015, the Court issued notice to the appellant to show cause as to why the order dated 8.4.2004 passed by this Court while suspending his sentence and releasing him on bail, be not recalled. Pursuant to the same, report was received that the appellant had died. Learned counsel for the parties, accordingly, sought an adjournment for obtaining instructions.

Learned State counsel has placed on record affidavit of Shri Mukesh Kumar, HPS, Deputy Superintendent of Police, (HQ), Sonipat wherein it stands mentioned that the factum of death of Vijay Pal stands duly verified by the police of Police Station Sadar, Sonipat after visiting the residence of the appellant and contacting his brother Vedpal as well as Sarpanch Rajpal and Chowkidar Ramesh of the village of the appellant. Alongwith affidavit, copies of the joint statements of Vedpal, Rajpal and Ramesh as well as of the death certificate have been appended.

Learned counsel for the appellant submits that as the appellant has died, the appeal stands abated.

Disposed of as such.

September 09, 2015
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(T.P.S. MANN)
JUDGE