

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

Crl. Appeal S-538-SB of 2004
Date of Decision : August 05, 2015

Ajaib Singh

.....Appellant

VERSUS

State of Haryana

.....Respondent

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

Present : None for the appellant.

Mr. Dhruv Dayal, Deputy A.G., Haryana.

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

The appellant was tried for committing the offences punishable under Sections 353/332/307/186/34 IPC on the allegations that on 1.10.2000 he, alongwith two others, namely, Nikka Singh and Birbant Singh @ Beera, since declared proclaimed offenders, had launched an attack on the police party but the police officials managed to save themselves. Further, the appellant grappled with the complainant and also attempted to snatch the SLR of Constable Om Parkash. Vide judgment and order dated 19.2.2004, the Additional Sessions Judge, Sirsa convicted and sentenced the appellant as follows:-

- i) Rigorous imprisonment for two months
under Section 186 IPC;

- ii) Rigorous imprisonment for five years and a fine of Rs. 10,000/- under Section 307 IPC and in default of payment of fine to further undergo rigorous imprisonment for one year;
- iii) Rigorous imprisonment for two years under Section 332 IPC; and
- iv) Rigorous imprisonment for one year under Section 353 IPC.

All the sentences were ordered to run concurrently.

Aggrieved of his conviction and sentence, the appellant filed the present appeal which was admitted on 9.3.2004. Prayer made for suspension of sentence of imprisonment of the appellant was granted on 15.12.2004 subject to his depositing the fine and furnishing bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Sirsa.

On 25.3.2015 when the appeal was taken up for final hearing, none had appeared for the appellant. Accordingly, the Court directed that the presence of the appellant be secured by way of bailable warrants. On the adjourned date, the report submitted by the Chief Judicial Magistrate, Sirsa was considered. It was mentioned therein that the bailable warrants could not be executed as the appellant had died. Accordingly, while adjourning

the hearing of the appeal, the Court directed the learned State counsel to obtain necessary instructions. The Chief Judicial Magistrate, Sirsa was also asked to submit report as to whether the appellant had deposited the fine amount of Rs. 10,000/- at the time when he was released on bail.

Vide report dated 31.7.2015, the Chief Judicial Magistrate, Sirsa has brought to the notice of the Court that the appellant had deposited the fine amount of Rs. 10,000/- vide challan No. BO-5 dated 24.12.2004 at the time of acceptance of his bail bonds.

Learned State counsel has submitted status report by way of affidavit of Inspector Dharamvir, SHO, Police Station Odhan, District Sirsa wherein it is stated that the factum of death of the appellant on 15.2.2010 has been confirmed by the village Chowkidar. Further, the entry regarding death has been made in the office of Registrar, Births and Deaths vide registration No.268 dated 19.2.2010. Further, the fine amount of Rs. 10,000/- was deposited by the appellant in the Court of Sh. A.K.Jain, Additional Sessions Judge, Sirsa vide Treasury Challan dated 24.12.2004.

With the deposit of the fine amount of Rs. 10,000/- imposed upon the appellant by the trial Court, the appeal in so far as it pertained to the sentence of fine imposed upon the appellant

has been rendered infructuous. As regards the sentence of imprisonment imposed upon the appellant, the appeal abates with the death of the appellant.

The appeal is, accordingly, disposed of.

**(T.P.S. MANN)
JUDGE**

August 05, 2015
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