

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

**Criminal Appeal S-794-SB of 2004
Date of Decision: September 8, 2015**

Malak SinghAppellant

Versus

State of Punjab Respondent

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

Present : Mr. H.S.Gill, Senior Advocate, with
Mr. Vivek Goel, Advocate for the appellant.

Mr. Vikram Bishnoi, Asstt. A.G., Punjab.

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

The appellant was tried for committing an offence punishable under Section 18 of the Narcotic Drugs & Psychotropic Substances Act, 1985, for being found in unlawful possession of 5 kgs of opium.

Vide judgment and order dated 6.4.2004, the Judge, Special Court, Jalandhar, convicted the appellant for the aforementioned offence and sentenced him to undergo rigorous imprisonment for a period of ten years and to pay a fine of Rs.1,00,000/- and in default of payment of fine, to further undergo rigorous imprisonment for six months.

The appellant was about 87 years of age, when the

charge against him was framed on 2.3.2001. For that reason as well as on account of his ailing health, he was granted concession of bail pending trial by the Hon'ble Administrative Judge for Sessions Division, Jalandhar on 4.4.2001. Upon his conviction and sentence by the trial Court on 6.4.2004, the appellant was, once again, granted the concession of suspension of sentence by this Court vide order dated 6.12.2004.

On 11.3.2015, when the appeal was taken up for final hearing, learned counsel appearing for the appellant submitted that the appellant had died on 23.12.2011. In support of his assertion, he produced death certificate issued by the Local Registrar, Births and Deaths, Municipal Corporation, Jalandhar. The said certificate was taken on record and learned State counsel was directed to obtain necessary verification. Pursuant to the same, reply by way of status report of Inspector Ram Pal, Station House Officer, Police Station Cantt. Jalandhar, was filed by the State counsel. It was mentioned therein that during the pendency of the appeal, the appellant had died on 23.12.2011. In support of the same, Inspector Ram Pal, placed on record the statements of Amit Dhall, Councillor of Ward No. 19, Dhann Mohalla, Jalandhar; Manmohan Singh son of Late Malak Singh Bhatia, resident of ED-272, Dhann Mohalla, Jalandhar; Harjit Singh son of Harbans Singh, resident of ED-176, Dhann Mohalla,

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Jalandhar and Rakesh Arora son of Ashok Arora, resident of ED 190, Dhann Mohalla Jalandhar. Besides, the death certificate issued by the Local Registrar, Births and Deaths, Municipal Corporation, Jalandhar, was also appended.

In view of the above, learned counsel for the appellant has submitted that the appeal stands abated.

Resultantly, the appeal is disposed of as having abated.

September 8, 2015
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(T.P.S. MANN)
JUDGE