

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

Crl. Appeal D-499-DB of 2003

Date of Decision : December 14, 2016

Sardara Singh

.....Appellant

VERSUS

State of Punjab

.....Respondent

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

Present : None for the appellant.

Mr. S.S.Dhaliwal, Addl. A.G., Punjab.

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

The appellant, alongwith his sons Balwinder Singh, Baghel Singh and Mandeep Singh, was tried for committing the offences punishable under Sections 302, 302/34 and 392 IPC and Sections 25 and 27 of the Arms Act. Vide judgment and order dated 4.4.2003, learned Sessions Judge, Kapurthala acquitted the co-accused of the appellant of the charges against them. The appellant was, however, convicted under Section 302 IPC on two counts and sentenced to undergo imprisonment for life and to pay a fine of Rs.20,000/- on each of the two counts and in default of payment of fine, to undergo imprisonment for a period of six months. He was also convicted under Section 27 of the Arms Act and sentenced to undergo imprisonment for a period of one year and to pay a fine of Rs. 2,000/- and in default of payment of fine, to further undergo imprisonment for three months. All the sentences were ordered to run concurrently.

The appeal preferred by the appellant against his conviction and sentence came to be admitted by this Court on 1.7.2003 when recovery of fine was also stayed. Subsequently, the appellant was released on bail pursuant to the order passed by this Court on 28.11.2006.

On the last date of hearing, learned counsel for the appellant submitted that the appellant had expired in the month of August, 2010. Learned State counsel sought an adjournment for obtaining instructions.

Learned State counsel has produced the death certificate as well as the report of HC Bawa Singh, Police Station Kotwali, Kapurthala, as per which the appellant has died on 17.8.2010.

A period of more than six years has elapsed since the death of the appellant. During these years, none of the near relatives of the appellant has moved an application seeking leave to continue the appeal. Under these circumstances, this Court is of the view that the appeal would have to be disposed of as having abated.

Ordered accordingly.

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

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**(H.S.MADAAN)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No