

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

Crl. Appeal S-2371-SB of 2004
Date of Decision : September 29, 2016

Bijender	VERSUS	Appellant
The State of Haryana		Respondent

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

Present : Mr. Bhag Singh, Advocate
for the appellant.

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

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

This appeal has been filed by convict-Bijender for challenging the judgment and order dated 12.7.2004 passed by learned Additional Sessions Judge, Panipat, whereby he stood convicted under Section 307 read with Section 34 IPC and sentenced to undergo rigorous imprisonment for five years and to pay a fine of Rs.10,000/- and in default of payment of fine, to further undergo rigorous imprisonment for one year. Besides, he was convicted under Section 353 read with Section 34 IPC and sentenced to undergo rigorous imprisonment for one year. All the substantive sentences were ordered to run concurrently.

The appeal came to be admitted on 3.12.2004. Subsequently, vide order dated 17.2.2005, this Court suspended the sentence of imprisonment of the appellant.

When the appeal came up for final hearing before this Court on 2.8.2016, learned counsel for the appellant informed the Court that as per his instructions, the appellant had since died. Accordingly, learned State counsel sought an adjournment for obtaining verification of the said fact. On the last date of hearing, learned counsel for the appellant placed on record the photocopy of the death certificate issued by the Registrar, Births and Deaths-cum-Medical Officer, Incharge P.H.C. Sewah, which was taken on record. As per the same, the appellant had died on 26.12.2006. Learned State counsel, however, sought more time for obtaining verification of the aforementioned fact.

Learned State counsel has produced the report of Sh. Kulbir Singh, Superintendent, District Jail Panipat, along with report of Gram Panchayat of village Jagsi Sura (Annexure R-1), Copy of FIR No. 208 dated 28.7.2009 (Annexure R-2), death certificate of Bijender appellant (Annexure R-3) and the report prepared by Gram Panchayat Siwah (Annexure R-4), which has been taken on record in the connected appeal preferred by Surender, co-convict of the appellant.

On going through report of the Jail Superintendent as well as death certificate (Annexure R-3) and report of Gram Panchayat, Siwah (Annexure R-4), this Court finds that the factum of Bijender appellant having died on 26.12.2006 stands

duly verified.

Learned counsel for the appellant submits that none of the near relatives of the appellant has contacted him for seeking leave to continue to appeal and, therefore, with the death of the appellant, the appeal abates.

After going through the death certificate (Annexure R-3) as well as the report of Gram Panchayat (Annexure R-4) and taking into consideration the fact that none of the near relatives of the appellant has taken any steps for continuing the appeal, this Court has no other option but to dispose of the appeal as having abated.

Ordered accordingly.

September 29, 2016
amit rana

(T.P.S. MANN)
JUDGE