

HIGH COURT OF CHHATTISGARH, BILASPUR**ACQA No. 147 of 2017**

Sohan Lal Chandrakar S/o Bisheswar Aged About 40 Years R/o
Village- Charouda, Thana, City Kotwali, District- Mahasamund,
Chhattisgarh

---- Appellant**Versus**

1. Shekhar Chandrakar S/o Ramdhan Chandrakar, aged about 42 years
2. Jeewan Sabar S/o Bhaiyram Sabar Aged About 40 Years,
Both are R/o Village- Charouda, Thana- City Kotwali, District- Mahasamund, Chhattisgarh
3. State of Chhattisgarh, Through District Magistrate Mahasamund, District- Mahasamund, Chhattisgarh

---- Respondent

For appellant - Shri Sunil Sahu, Advocate.
For respondents No.1 & 2 – Shri Samir Singh, Advocate.
For State – Shri Suryakant Mishra, PL.

Hon'ble Shri Justice Goutam Bhaduri**Order****12/10/2017**

1. Learned counsel for the appellant submits that sole appellant Sohan Lal Chandrakar has died and legal representative are not interested to continue the appeal, therefore in view of Section 394 sub-section (2) of Cr.P.C. which shows that every other appeal under this Chapter (except an appeal from a sentence of fine) shall finally abate on the death of the appellant. The said principle came into consideration in a case in between **Jugal Kishore Khetawat Vs. State of West Bengal** reported in **(2011) 11 SCC 502**.
2. After perusal of the judgment, it appears that acquittal appeal is by the victim and relative of the victim do not want to prosecute the case.
3. Consequently, appeal stands dismissed as abated.

Sd/-

(Goutam Bhaduri)
JUDGE

