

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

TRANSFER CRIMINAL APPEAL No.267 OF 2013

AND

CRIMINAL REVISION CASE No.569 OF 2005

COMMON ORDER:

Transfer Criminal Appeal is preferred under Sections 374(3) of the Code of Criminal Procedure, 1973 (for short 'Code') by the accused - Kosaraju Sreenivasa Rao challenging his conviction and sentence imposed by the learned I Assistant Sessions Judge, Guntur, for the offences punishable under Sections 354, 448 and 506 of the Indian Penal Code, 1860 (for short 'IPC') by the judgment dated 15.03.2005 in S.C. No.169 of 2004.

2. Criminal Revision Case is preferred by the *de facto* complainant against the very same judgment questioning inadequacy of sentence inflicted against respondent No.2 - accused viz., Kosaraju Sreenivasa Rao, who is appellant in the transfer criminal appeal.

3. Heard Smt K. Sesharajyam, learned counsel for the revision petitioner - *de facto* complainant, Mrs. Jasti Sujatha, learned counsel for the appellant - accused, and the learned Assistant Public Prosecutor for the State of Andhra Pradesh, and perused the material on record.

4. Smt. K. Sesharajyam, learned counsel for the revision petitioner - *de facto* complainant, made a mention that in case, accused is no more, if not the death certificate, at least, a memo may be filed by the opposite party reporting death of the accused.

5. When the case was passed over and taken at 2.30 p.m., a memo was filed by Mrs. Jasti Sujatha, learned counsel for the accused, stating that accused viz., Kosaraju Sreenivasa Rao, died on 21.10.2017 and his 'Thirteenth Day' ceremony was performed on 02.11.2017 at Nazarpet, Tenali, and the said fact was informed on 07.11.2017 by Kosaraju Venkata Rao, who is the father of respondent No.2.

6. When such a memo is filed by the learned counsel for the accused, certainly, death of the accused cannot be disputed. In such an event, appeal as well as the revision has to be abated and, in fact, offence has to be abated so far as the accused is concerned.

7. Therefore, both the Transfer Criminal Appeal and the Criminal Revision Case are dismissed as abated.

As a sequel thereto, Miscellaneous Petitions, if any, pending in the present appeal and the revision stand dismissed.

A. SHANKAR NARAYANA, J

November 21, 2017.

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