

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (DB) No.418 of 2013

Arising Out of PS. Case No.-106 Year-2011 Thana- LAURIYA District- West Champaran

Md. Tahir Hussain, son of late Sk. Sahid, resident of village – Baswaria,
Police Station - Lauria, District – West Champaran at Bettiah

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Sri Pratik Mishra, Advocate
For the Respondent/s : Sri Ajay Mishra, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
and
HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAKESH KUMAR)

4 25-10-2018 In the present Appeal on 28.08.2018 learned counsel for the appellant had informed that during pendency of the Appeal the sole appellant had already died. Though he received death certificate he had not filed affidavit and as such time was granted for filing affidavit. In the meanwhile, a report was called from the Superintendent of Police, West Champaran regarding status of the appellant / Md. Tahir Hussain who was convicted and sentenced in Sessions Trial No. 555 of 2011 (arising out of Lauriya P.S. Case No. 106 of 2011). In compliance with the order of this court a report contained in letter no. 3748 dated 01.10.2018 sent from the office of Superintendent of Police , West Champaran , Bettiah has been



received. On behalf of the appellant an interlocutory application vide I.A. No. 2700 of 2018 has also been filed enclosing therewith death certificate of the appellant. It has been indicated that the appellant died on 10.10.2013 and it has been prayed that Appeal stands abated. The report of Superintendent of Police also indicates that the appellant died 2-3 years back.

In view of the fact that during pendency of the Appeal the sole appellant has already died which fact has been asserted on affidavit filed on behalf of the appellant as well as such fact has been disclosed in the report of the Superintendent of Police, West Champaran, Bettiah, the Appeal stands abated and record may be consigned.

(Rakesh Kumar, J)

(Arvind Srivastava, J)

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