

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Criminal Appeal No.153 of 2008

[State of Maharashtra, through Police Station Officer, Karanja (Ghadge) v.
Ramchandra Bapurao Digrase and others]

With

Criminal Revision Application No.288 of 2007

[Mohan s/o Shamraoji Digrase (S/o Deceased Shamrao Digrase) v.
Ramchandra Bapurao Digrase and others]

Office Notes, Memoranda of Coram,
appearances, Court's orders or directions Court's or Judge's orders
and Registrar's order

Shri A.M. Balpande, Additional Public Prosecutor for State.

Coram : R.K. Deshpande & Arun D. Upadhye, JJ.

Dated : 23rd July, 2018

Criminal Appeal No.153 of 2008 :

It is reported to us that the respondent No.1- Ramchandra Bapurao Digrase, the accused No.1, expired on 5-2-2012 and a copy of the death certificate is placed on record along with the pursis dated 19-7-2018 bearing stamp No.3337 of 2018. The prosecution of the respondent Nos.1, 2 and 3, the accused, was for the offence punishable under Section 302 read with Section 34 of the Indian Penal Code for committing murder of one Shyamrao Digrase. It is not in dispute that the overt act alleged was only against the respondent No.1- Ramchandra Bapurao Digrase, who has expired, and unless his conviction is

recorded, it will not be possible for this Court to convict the accused Nos.2 and 3.

In view of the aforesaid situation, the appeal stands abated as against the accused No.1- Ramchandra Bapurao Digraze, and the appeal consequently for conviction of the respondent Nos.2 and 3 for the offence punishable under Section 302 read with Section 34 of the Indian Penal Code is dismissed.

Criminal Revision Application No.288 of 2007 :

In view of the aforesaid order passed in Criminal Appeal No.153 of 2008, the present criminal revision application does not survive, and the same is also dismissed.

(Arun D. Upadhye, J.)

(R.K. Deshpande, J.)

Lanjewar

Prashant
Dewaji
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