

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

CRIMINAL APPEAL NO.605/2006

Anil s/o Jiyalal Roy

..vs..

The State of Mah., thr. PSO PS Ajani, Nagpur

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

Court's or Judge's Order

.....
None for the appellant.

Shri N.R. Rode, Addl.P.P. for the State.

CORAM : V.M. DESHPANDE, J.

DATED : MARCH 13, 2018.

1. Learned counsel for the appellant is absent. Learned Additional Public Prosecutor Shri N.R. Rode for the State is present.
2. By the present appeal, challenge is set up to judgment and order of conviction of appellant, who was accused No.5, in Sessions Trial No.290/2000. Learned 2nd Ad hoc Additional Sessions Judge at Nagpur in Sessions Trial No.290/2000 on 30.9.2006 convicted appellant/original accused No.5 for the offences punishable under Sections 147 and 148 read with Section 149 of the Indian Penal Code also under Sections 323 and 341 read with Section 149 of the Indian Penal Code and also under Section 342 read with Section 149 of the Indian Penal Code for various jail terms and directed to pay fine amount. All sentences were directed to run concurrently.
3. Appellant/original accused No.5 has preferred the

present appeal. The appeal is admitted on 20.11.2006 and he was released on bail after suspending the substantive jail sentence.

4. Though matter was ready for final hearing, Paper-Book was not collected. Then on 12.2.2018 directions were given by this Court (Coram : Rohit B. Deo, J.) that if the Paper-Book is not collected within a week, costs of Rs.2,000/- to be deposited with the High Court Bar Association at Nagpur.

5. Even, on 24.2.2018, neither the appellant nor learned counsel for the appellant remained present nor the Paper-Book was collected nor the costs was deposited. Therefore, on the said day, this Court (Coram : Rohit B. Deo, J.) issued a Bailable Warrant for securing the presence of appellant/original accused No.5.

6. Senior Police Inspector, Police Station Ajani, Nagpur filed a report before this Court. It is pointed out that when the Police Officer had been to the place of appellant Anil s/o Jiyalal Roy, on enquiry, it was revealed to him that appellant Anil s/o Jiyalal Roy died on 9.6.2012. He also obtained the Notice regarding the said death. The said Notice is placed on record which shows that appellant Anil s/o Jiyalal Roy expired on 9.6.2012 at Asha Hospital, Kamptee.

7. In that view of the matter, the appeal abates and is disposed of as such.

8. The connected appeals be placed for hearing as per their turn.

JUDGE

!! BRW !!