

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

**CRM A-125-MA-2018(O&M)
Date of Decision: 06.12.2018**

State of HaryanaApplicant

Versus

Suraj alias SurjaRespondents

**CORAM: HON'BLE MR. JUSTICE T.P.S. MANN
HON'BLE MR. JUSTICE ARUN KUMAR TYAGI**

Present: Mr. Praveen Bhadu, Assistant A.G., Haryana.

T.P.S. MANN, J. (ORAL)

The State has filed the aforementioned application under Section 378(3) Cr.P.C. seeking leave to appeal against the judgment dated 11.08.2017 passed by learned Additional Sessions Judge (Exclusive Court for Heinous Crime against Women and Children), Yamuna Nagar at Jagadhri, whereby Suraj @ Surja-accused was acquitted of the charge under Sections 365, 323, 506, 376(2)(i) and 376 (2)(n) of the Indian Penal Code, Section 5(1) of the Protection of Children from Sexual Offences Act, 2012 and Section 3(1)(w) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The application had come up for preliminary hearing on 03.04.2018 when the learned State counsel was directed to obtain instructions as to with whom the prosecutrix was then

residing. When the application was thereafter taken up on 23.10.2018, learned State counsel informed the Court that the accused had already died. In this regard, he placed on record a photocopy of the death certificate. He, however, sought an adjournment for placing on record the report of the Station House Officer concerned.

Report of Inspector Subhash Chander, Station House Officer, Police Station Farakpur (Yamuna Nagar) has been produced by the learned State Counsel which is taken on record. As per the same, the factum of death of Suraj @ Surja-accused stands duly verified.

In view of the above and in view of the provisions of Section 394(1), the present application abates and is accordingly dismissed.

(T.P.S. MANN)
JUDGE

06.12.2018
Kothiyal

(ARUN KUMAR TYAGI)
JUDGE

Whether Speaking/reasoned

Yes/No

Whether Reportable

Yes/No