

\$~R-26

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CRL.A. 370/2005**

RAJINDER SINGH

..... Appellant

Through: Mr. Saurabh Kansal and Ms. Pallavi
S. Kansal, Advocates.

versus

STATE

..... Respondent

Through: Ms. Kusum Dhalla, APP for State.

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

% **13.06.2018**

The nominal roll dated 11.06.2018 received from the Superintendent, Central Jail-10 Tihar, Rohini, New Delhi indicates that the appellant on his conviction on 29.01.2005 was sentenced to 3 years of rigorous imprisonment and a composite fine of Rs. 8,000/- and in default to 10 months of rigorous imprisonment and has been released from jail on the expiry of the sentence on 06.02.2006 after deposit of the fine at the jail gate.

The appellant vide the impugned judgment dated 29.05.2005 was convicted for the commission of the offences punishable under Sections 279/337/304A of the Indian Penal Code, 1860 and Section 304(Part-II) of the Indian Penal Code, 1860 and vide the impugned order on sentence dated 29.01.2005 was sentenced to undergo rigorous imprisonment for six months for the offences punishable under Section 279 of the Indian Penal Code, 1860, to undergo rigorous imprisonment for six months for the offences punishable

under Section 337 Indian Penal Code, 1860, to undergo rigorous imprisonment for 3 years and to pay a fine of Rs. 5,000/- and in default to undergo further rigorous imprisonment for six months qua the offences punishable under Section 304 Indian Penal Code, 1860 and to undergo rigorous imprisonment for 2 years and to pay a fine of Rs. 3,000/- and in default to undergo rigorous imprisonment for 4 months for the offences punishable under Section 304A Indian Penal Code, 1860 with all the sentences having been directed to run concurrently with the benefit of Section 428 Cr.P.C. 1973 having been given.

On behalf of the State, the learned APP has forwarded report of the SHO/P.S. Janak Puri, Inspector, Inder Lal, dated 11.06.2018 indicating that on physical verification it has been ascertained that the appellant had expired on 26.10.2005 due to heart attack as also testified by his real brother Shri Krishan and two witnesses living in the neighbourhood named Vijay Singh, S/o Shri Chander Bhan and Shri Kaptan Singh, S/o Shri Ved pal and that Shri Rajender Singh was living alone and had no children.

In terms of Section 394(1) of the Criminal Procedure Code, 1973 read with the proviso to sub clause (2) thereof in as much as there are no legal representatives of the appellant who sought the continuation of the appeal within 30 days of the demise of the appellant, the Appeal CRL.A. 370/2005 thus abates.

ANU MALHOTRA, J

JUNE 13, 2018

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