

NAFR

HIGH COURT OF CHHATTISGARH, BILASPURCRMP No. 702 of 2014

- Balvinder Singh @ Bindi S/o Gurdayal Singh Sikh, deceased
Represented Through Lr and son Bhagawant Singh S/o Late
Balvinder Singh Now Aged 24 Years, R/o Village Nangal
Bedal, P.S. Ajanara, Distt. Amritsar Punjab.

---- Petitioner

Versus

- State Of M.P. Now C.G. through Police Station Kotwali,
Durg, C.G.

---- Respondent

For Petitioner	:-	Shri Uttam Pandey, Advocate.
For Respondent-State	:-	Shr R. Tripathi, PL

Order On BoardByHon'ble Shri Prashant Kumar Mishra, Ag. CJ03/05/2019

1. By this petition under Section 482 of Cr.P.C. the petitioner,
who is son of the deceased Balvider Singh @ Bindi, is
seeking for recalling the order dated 22.11.2011 passed by
this Court in Criminal Appeal No.2118/1996.
2. The petitioner preferred the petition mainly on the ground

that during pendency of the criminal appeal his father died on 13.07.2005 and at the relevant point of time the petitioner was aged about 6-7 years and he had no knowledge about the conviction and sentence of his father.

3. Having heard learned counsel for the parties and perusal of the record it is manifest that the petitioner has preferred the present petition after a delay of 9 years from the date of death of his father and after 3 years from the date of order passed by this Court. As per the provisions of Section 394 of the Cr.P.C. if the appellant dies during pendency of the appeal any of his near relatives may within 30 days of the death of the appellant apply to the appellate Court, for leave to continue the appeal and if leave is granted the appeal shall not abate.
4. In the case at hand, the petitioner's relative has not approached this Court within the stipulated period.
5. In view of the above the petition is dismissed.

Sd/-
(Prashant Kumar Mishra)
Acting Chief Justice