

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

CRA-S-2229-SB of 2004(O&M)

Date of Decision: 05.07.2019

Jagjit Singh @ Jaggi

..... Appellant

Versus

State of Punjab

....Respondent

CORAM:HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: None for the appellant.

Mr. V.G. Jauhar, Sr. DAG, Punjab.

MAHABIR SINGH SINDHU, J.(Oral)

Present appeal has been filed against the impugned judgment of conviction and order of sentence dated 06.10.2004 passed by learned Judge, Special Court, Patiala, vide which the appellant was sentenced to undergo rigorous imprisonment for a period of 1-1/2 years and to pay fine of Rs. 2000/- under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 and in default of payment of fine to further undergo rigorous imprisonment for four months.

As per office report, the sole appellant -Jagjit Singh @ Jaggi died on 21.10.2005. Perusal of the order dated 18.11.2004 passed by this Court reveals that the appellant has already deposited

the fine imposed upon the appellant.

There is no dispute that the sole appellant had died on 21.10.2005 and even no legal representative has been brought on record to pursue the same.

Section 394(2) of Cr.P.C. reads as under:

394. Abatement of appeals.

(1) XXXX

(2) Every other appeal under this Chapter (except an appeal from a sentence of fine) shall finally abate on the death of the appellant: Provided that where the appeal is against a conviction and sentence of death or of imprisonment, and the appellant dies during the pendency of the appeal, any of his near relatives may, within thirty 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.

Keeping in view the provisions of Sub Section 2 of Section 394 Cr.P.C. reproduced above, it is apparently clear that in case appellant dies, then appeal shall stand abated. Consequently, the present appeal stands abated and the same is disposed of as such.

Ordered accordingly.

[MAHABIR SINGH SINDHU]
JUDGE

July 05, 2019
rashmi

Whether speaking/reasoned
Whether reportable?

yes/no
yes/no