

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRA-S-905-SB of 2006(O&M)  
Date of Decision: 15.07.2019

Ajit Singh ..... Appellant

Versus

State of Haryana ....Respondent

CORAM:HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: None for the appellant.

Mr. Saurabh Mago, AAG, Haryana.

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MAHABIR SINGH SINDHU, J.(Oral)

Present appeal has been filed against the impugned judgment of conviction dated 19.04.2006 and order of sentence dated 21.04.2006 passed by learned Additional Sessions Judge, Sirsa vide which the appellant was held guilty of the offences under Sections 307, 452, 325, 323, 506 read with Section 34 of the Indian Penal Code and sentenced in the following terms:

| Under Section                | Sentence                                                             | In default of Fine                                |
|------------------------------|----------------------------------------------------------------------|---------------------------------------------------|
| 307 read with Section 34 IPC | Rigorous imprisonment for three years and to pay fine of Rs. 1000/-. | To further undergo imprisonment for three months. |

| Under Section                | Sentence                               | In default of Fine |
|------------------------------|----------------------------------------|--------------------|
| 452 read with Section 34 IPC | Rigorous imprisonment for one year     |                    |
| 325 read with Section 34 IPC | Rigorous imprisonment for one year     |                    |
| 323 read with Section 34 IPC | Rigorous imprisonment for six months   |                    |
| 506 read with Section 34 IPC | Rigorous imprisonment for three months |                    |

In terms of the order dated 02.07.2019 passed by this Court, report dated 10.07.2019 from learned Chief Judicial Magistrate, Sirsa has been received. Perusal of the report reveals that the sole appellant-Ajit Singh has expired on 13.01.2017 and photocopy of the death certificate is also appended with the same.

There is no dispute that the sole appellant had died on 13.01.2017 and even no legal representative has been brought on record to pursue the appeal. Perusal of application for suspension of sentence bearing CRM-28891 of 2006 reveals that fine of Rs.1,000/- had already been paid.

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 above factual position as well as provisions of Sub Section 2 of Section 394 Cr.P.C. reproduced above,the present appeal stands abated and the same is disposed off accordingly.

**[MAHABIR SINGH SINDHU]**  
**JUDGE**

July 15, 2019  
*rashmi*

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|---------------------------|--------|
| Whether speaking/reasoned | yes/no |
| Whether reportable?       | yes/no |