

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Proceeding through Video Conferencing

Criminal Appeal No. 333 of 2000

- Sakharam Kshirsagar, son of G.B. Kshirsagar, Occupation- Service, LDC in the MP State Road Transport Corporation, Depot No.1, Raipur, MP (Now Chhattisgarh)

---- Appellant

Versus

- State of Madhya Pradesh (Now Chhattisgarh), through Superintendent of Police, Special Police Establishment (Lokayukt), Raipur (C.G.)

---- Respondent/State

For Appellant : None
For Respondent/State : Shri H.S. Ahluwalia, Deputy Advocate General

Hon'ble Shri Justice Gautam Chourdiya, J

Judgment

08.10.2020

1. This appeal arises out of the judgment of conviction and order of sentence dated 31.01.2000 passed by the Special Judge (Prevention of Corruption Act, 1947) & Fifth Additional Sessions Judge, Raipur in Special Criminal Case No. 2/89, whereby the appellant stands convicted and sentenced as under:-

<u>Conviction</u>	<u>Sentence</u>
Under Section 161 of Indian Penal Code	Rigorous imprisonment for one year and to pay fine of Rs.1,000/-, in default of payment of fine, to further undergo rigorous imprisonment of three months
Under Section 5(2) read with Section 5(1)(d) of the Prevention of Corruption Act, 1947	Rigorous imprisonment for one year and to pay fine of Rs.1,000/-, in default of payment of fine, to further undergo rigorous imprisonment of three months
Both the sentences to run concurrently	

2. Earlier when this matter was listed for hearing on 28.11.2017; 19.01.2018; 02.04.2018; 02.05.2018; 04.07.2018 and 06.01.2020, no one appeared on

behalf of the appellant. In compliance of order of this Court dated 19.01.2018 bailable warrant issued against the appellant was received unserved with a report that he was not residing at the given address. Therefore, on 06.01.2020 this Court ordered that a fresh bailable warrant for a sum of Rs.20,000/- issued (through registered mode) against the appellant through concerned Superintendent of Police for his appearance before this Court on 04.05.2020.

3. In compliance of the said order dated 06.01.2020, a report dated 13.03.2020 has been received from the Office of Reserve Inspector, wherein it is mentioned that the appellant has died. Alongwith the said report, death certificate of the appellant and statement of his son were annexed. As per death certificate, appellant Sakharam Kshirsagar died on 31.12.2016. As per statement of Chandrakant (son of the appellant), he was having knowledge about the pendency of the appeal filed by his father (appellant) before this Court and he stated that his father died on 31.12.2016.
4. Considering the fact that the appellant died way back in the year 2016, the fact regarding pendency of the present appeal was well within the knowledge of appellant's son and despite that no application was moved on behalf of the legal heirs of the appellant to prosecute this appeal and that entire fine amount of Rs.2,000/- has already been paid by the appellant vide receipt dated 31.01.2000 annexed with the memo of appeal, the present appeal stands abated and is disposed of as such.

Sd/-

(Gautam Chourdiya)
Judge