IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN

WEDNESDAY, THE 07TH DAY OF OCTOBER 2020 / 15TH ASWINA, 1942

CRL.A.No.421 OF 2005(A)

AGAINST THE JUDGMENT IN SC NO.238/2004 DATED 11-02-2005 ON THE FILE OF THE SESSIONS COURT, KOTTAYAM

APPELLANT/ACCUSED:

THAMPI
S/O THOMAS, PADINJAREKUDILIL VEEDU, PRAVATTOM BHAGOM, NEENDOOR KARA, KOTTAYAM DIST.

BY ADV. SRI.K.C.PETER

RESPONDENT/COMPLAINANT:

CIRCLE INSPECTOR OF POLICE
ETTUMANOOR, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA.

R1 BY SRI.K.B.UDAYAKUMAR, SR.PUBLIC PROSECUTOR

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON 07.10.2020, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Dated this the 7th day of October 2020

..

The learned public prosecutor, after verification, submitted that, the appellant is no more.

2. It is a case in which punishment involves imprisonment and fine. In the light of the judgment of the Full Bench of this Court in Pazhani v. State of Kerala [2017 (1) KLT 341(FB)], the sentence of imprisonment in criminal appeal will stand abated, if the appellant died pending the appeal. The Full Bench observed that, there is no abatement as far as the sentence of fine is concerned. Hence, the records shall be consigned to the record room for other purposes mentioned in the above Full Bench decision. The Registry will do the needful in accordance to the judgment of the Full Bench.

Hence this Crl.Appeal is closed as abated as far as the sentence of imprisonment is concerned.

Sd/-

P.V.KUNHIKRISHNAN

pkk **JUDGE**