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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CRL.A.756/2000 & CRL.M.A. 3103/2000

S.P. NAIR

..... Appellant

Through: Mr. K.S. Negi, Adv.
(ks_negiadv@yahoo.com,
9810255165)

versus

STATE THR. CBI DELHI

..... Respondent

Through: Mr. Rajesh Kumar, SPP for CBI

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

22.06.2020

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At the outset, learned counsel for the appellant submits that the appellant has already expired.

A perusal of the records indicates that vide order dated 02.05.2019 in view of the submission made on behalf of the appellant that the appellant had expired, a status report was called for from the State after verification of the said submission.

Placed on record is the status report that has been submitted by the CBI dated 09.09.2019 which indicates that the wife of the appellant was contacted and has put forth the death certificate of the appellant giving the date of his demise as being 13.04.2019. It has been submitted on behalf of the CBI that the only problem that was there that the name of the appellant is S.P. Nair and the death certificate was in the name of one S.K. Nair. It was however informed through the said status report that one Shri K.S. Chakraborty, Lt. Col. (Retd.) was also enquired from the death of Sh. S.P.

Nair and he had confirmed having attended his cremation and he had stated that he was not sure about his first name though his name was Mr. Nair. The status report submitted by the State indicates about a letter dated 23.08.2019 sent to the wife of Sh. S.P. Nair seeking the bank account details and any document in the name of Sh. S.P. Nair and she had vide letter dated 27.08.2019 informed that Sh. S.P. Nair was holding a bank account of his proprietorship concern in the State Bank of India, Kalkaji Branch, New Delhi, the details of which are on the record of the CBI.

In these circumstances, on behalf of the CBI it has been submitted that the appeal may be allowed to abate in view of the verification conducted from the wife of the appellant in as much as the document from the bank as reported by the CBI apparently indicates that the appellant who expired on 13.04.2019 is the same person who was the accused in relation to R.C. No.9/83-CIU(b)/CBI/New Delhi, under Sections 120(B) of the Indian Penal Code, 1860 r/w Section 5(2) r/w Section 5(1)(b) of the PC Act, 1947 and Section 418 of the Indian Penal Code, 1860 and Section 5(2) r/w 5(1)(D) of the PC Act and Section 418 of the Indian Penal Code, 1860.

It is held that the appeal in the instant case abates. The surety of the appellant is discharged.

ANU MALHOTRA, J

JUNE 22, 2020

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