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

+ CRL.A. 122/2010

MOHAN @ KUSHAL

..... Appellant

Through None

versus

STATE

..... Respondent

Through

Mr. G.M. Farooqui, APP for the
State with SI Sandeep Mathur,
P.S.: Mangol Puri

CORAM:

HON'BLE MR. JUSTICE BRIJESH SETHI

ORDER

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03.02.2020

The present criminal appeal has been filed by the appellant for setting aside the judgement dated 12th December, 2019 and order of sentence dated 7th January, 2010 passed by the learned trial court.

On 7th May, 2019, none appeared for the appellant-Mohan @ Kushal and NBW had been issued against the appellant for today i.e. 02.02.2020.

As per the report submitted by SHO Vijay Kumar Kataria, police station Mangol Puri, Delhi, wherein it is stated that SI Harinder visited the address of the petitioner where son of the petitioner namely Sh. Ajay S/o late Sh. Mohan R/o Plot No. 227, Pocket-13, Sector-6-A, Narela, Delhi was found present. In the enquiry, Sh. Ajay stated that his father Mohan @ Kushal had been died on 14.02.2013 in a police encounter in Sector-16, Rohini, Police Station-K.N. Katju Marg, Delhi. He also provided the death certificate of his father bearing registration no.

MCDOLIR-0213-004540726 and same was verified from North Delhi Municipal Corporation and was found to be correct. The statement of neighbour namely Sh. Gopal Hindustani S/o Late Sh. Ghalo Prasad R/o h. No. 258, Pocket-13, Sector-6-A, Narela, Delhi was also recorded and therein he confirmed that the petitioner Mohan @ Kushal died on 14.02.2013 in police encounter. It is further submitted that an enquiry was also made from Police Station K.N. Katju Marg, Delhi and it was found that a case FIR bearing No. 57/2013 dated 14.02.2013 under Section 186/332/353/307/34 IPC r/w 25/27 Arms Act Police Station K.N. Katju Marg, Delhi is registered and therein the death of petitioner Mohan in police encounter has also been mentioned.

In view of the above, the present proceedings against the appellant stands abated and appeal stands disposed of accordingly.

BRIJESH SETHI, J

FEBRUARY 03, 2020
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