

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Appeal No. 809 of 2010**

- Jitendra Pal Sharma, S/o Late Shri Chunnilal Sharma, Aged about 53 years, Assistant Engineer, Bharat Aluminium Company Ltd., R/o Quarter No. 64-C, Sector – 1, BALCO Nagar, Korba, District Bilaspur (M.P.) (Now Chhattisgarh)

---- Appellant**Versus**

- The State of Madhya Pradesh (Now Chhattisgarh) Through : The C.B.I., Jabalpur (M.P.)

---- Respondent/State

For Appellant : Shri Sourabh Dangi, Advocate
 For Respondent/State : Shri Rahim Ubwani, Panel Lawyer

Hon'ble Shri Justice Gautam Chourdiya, J
Order

26.11.2021

1. This appeal arises out of the judgment of conviction and order of sentence dated 31.07.1997 passed by the Fifth Additional Sessions Judge & Special Judge, CBI, Sessions Division, Jabalpur (M.P.) in Special Case No. 19/1988, whereby the appellant stands convicted and sentenced as under:-

<u>Conviction</u>	<u>Sentence</u>
Under Section 409 of IPC	Rigorous imprisonment for two years & six months and to pay fine of Rs.2,000/-, in default of payment of fine, to undergo rigorous imprisonment for six months
Under Section 5 (1) (c) read with Section 5 (2) of the Prevention of Corruption Act, 1947	Rigorous imprisonment for two years and to pay fine of Rs.2,000/-, in default of payment of fine, to undergo rigorous imprisonment for six months

2. The instant appeal was in fact filed in the year 1997 and registered as Cr.A. No. 1735/1997 in the High Court of Madhya Pradesh at Jabalpur. However, subsequently the same has been received by this Court on transfer from High Court of Madhya Pradesh and registered as Cr.A. No. 809/2010.
3. In this case, the sole appellant died on 21.07.2005 which is evident from the

death certificate of appellant & other documents submitted by the S.H.O., Police Station Balconagar, District Korba (C.G.).

4. Learned counsel for the appellant submits that though he has informed about the pendency of the present appeal to the legal heirs of the appellant, but no instruction has been received from them till now.
5. Considering the fact that the appellant died on 21.07.2005, the fact regarding pendency of the present appeal was well within the knowledge of family members of the appellant and despite that no application was moved on behalf of the legal heirs of the appellant to prosecute this appeal, the present appeal stands abated and is disposed of as such.

Sd/-

(Gautam Chourdiya)
Judge