

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**CRA No. 859 of 2019**

1. Moharsai Rathiya S/o Late Jay Singh Sidar, Aged About 22 Years, R/o Pelma Nawadih, Police Station Tamnar, District Raigarh (C.G.).

**---- Appellant**

**Versus**

2. State Of Chhattisgarh, Through The Station House Officer, Police Station Tamnar, District Raigarh (C.G.).

**---- Respondent**

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|----------------------|---|----------------------------|
| For Appellant        | : | None.                      |
| For Respondent/State | : | Mr. C.B. Kesharwani, P. L. |

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**Hon'ble Shri Justice Gautam Chourdiya**

**Order on Board**

**14/12/2021**

1. This appeal is filed under Section 374(2) of Code of Criminal Procedure, 1973 against the judgment of conviction and order of sentence dated 14/05/2019, passed by the Additional Sessions Judge, Gharghoda, District Raigarh (C.G.) in Session Criminal (POCSO Act) Case No. 1/2018, whereby the appellant stands convicted and sentenced under :-

| Conviction                                                                   | Sentence                                                                                |
|------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| Under Section 8 of the Protection of Children from Sexual Offences Act, 2012 | R.I. for 4 years & fine of Rs. 2,000/- in default of fine additional R.I. for 30 days.  |
| U/s. 323 of Indian Penal Code (in short "IPC")                               | R.I. for 2 months & fine of Rs. 1,000/- in default of fine additional R.I. for 30 days. |
| (Both the sentences were directed to run concurrently)                       |                                                                                         |

2. As per PUD received from Additional Sessions Judge, Gharghoda, District Raigarh (CG.) dated 08/09/2021, the sole

appellant in this case has died on 26/07/2021 and till date no application has been filed by the legal heirs of the appellant for prosecuting this appeal.

3. Learned counsel for respondent/State upon verification confirms the fact regarding death of the appellant on 26/07/2021.
4. In view of above, as the sole appellant has died and there is no application for prosecuting this appeal on behalf of legal heirs, the appeal stands abated and is dismissed as such.

**-Sd/-  
(Gautam Chourdiya)  
Judge**

Chandrakant