

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR

CRIMINAL APPEAL NO.362/2018

Arjun Abhimanyu Tayade

..vs..

The State of Mah., thr. PSO PS Jalgaon Jamod, Tahsil Jalgaon Jamod,
District Buldana

.....
Office Notes, Office Memoranda of Coram,
appearances, Court orders or directions
and Registrar's orders

Court's or Judge's Order

.....
Ms S.P.Deshpande, Counsel for the Appellant (Appointed).
Shri S.M.Ghodeswar, Addl.P.P. for the Respondent/State.

**CORAM : V.M.DESHPANDE &
AMIT B.BORKAR, JJ.**

DATED : AUGUST 25, 2021.

1. Heard.
2. This appeal was filed challenging judgment and order of conviction dated 26.10.2016 passed by learned Additional Sessions Judge, Khamgaon, District Buldana in Sessions Trial No.43/2013. By the said judgment and order of conviction, though learned Judge below acquitted the appellant of offence punishable under Section 498-A of the Indian Penal Code, the appellant was convicted for offence punishable under Section 302 of the Indian Penal Code and was directed to suffer life imprisonment.
3. The appeal was filed by learned counsel Ms S.P.Deshpande who was appointed by the High Court Legal Services Sub Committee at Nagpur. The appeal was barred by limitation and, therefore, she filed an application for condonation of delay. The delay was condoned by order

dated 5.6.2018 and the appeal was admitted.

4. Today, when the appeal was taken up for its final hearing, learned counsel Ms S.P.Deshpande appointed for the appellant submitted that the said Committee handed over to her custodial death report pertaining to the appellant forwarded by the Superintendent, Central Prison, Amravati. Along with the said report, there is a death certificate at running page No.17 of the said death report which shows that appellant-Arjun Abhimanyu Tayade, who was admitted in hospital in ward No.24 on 19.2.2019, passed away on 10.3.2019 and cause of death was “Respiratory Failure with CRA” since the appellant was suffering from “Liver Carcinoma.”

5. Learned counsel Ms S.P.Deshpande appointed for the appellant, handed over entire custodial death report to us which is taken on record and marked as Exhibit-X for purposes of identification.

6. In view of death of appellant-Arjun Abhimanyu Tayade, during the pendency of this appeal, the appeal abates and is disposed of as such.

7. Learned counsel Ms S.P.Deshpande, who was appointed by the High Court Legal Services Sub Committee at Nagpur, is entitled for fees as is admissible under Rules from the said Committee.

JUDGE

JUDGE

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