

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRA No.283 of 1995

Debdas Bagh

....

Appellant

Mr. M.K. Mohanty, Advocate

-versus-

State of Odisha

....

Respondent

Mr. A.K. Beura,

Addl. Standing Counsel

CORAM:

JUSTICE S.K. SAHOO

ORDER

22.04.2022

Order No.

06. This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

This Criminal Appeal under section 374 of Cr.P.C. has been filed by appellant Debdas Bagh challenging the impugned judgment and order dated 26.09.1995 passed in Sessions Case No.121 of 1994 by the learned Sessions Judge, Koraput, Jeypore in convicting him under section 498-A of the Indian Penal Code and sentencing him to undergo rigorous imprisonment for a period of three years.

A memo has been filed on 12.04.2022 by the learned counsel for the appellant annexing the death certificate of the appellant.

Learned counsel for the State was asked to obtain instruction on the death of the appellant.

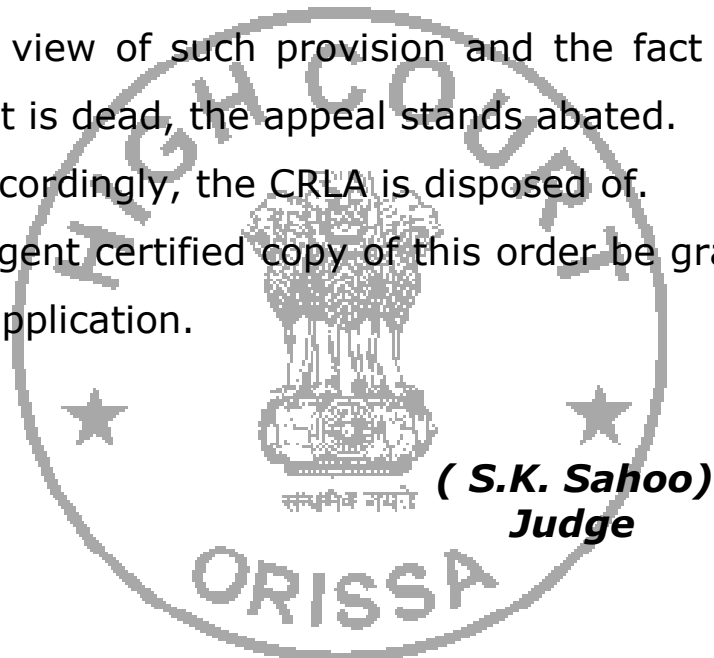
Today, learned counsel for the State on instruction from the Inspector in-charge of Koraput Sadar police station submitted that the appellant is dead. The written instruction received by the learned counsel for the State through whatsapp message is taken on record.

Section 394(2) Cr.P.C. states that every appeal under chapter XXIX (except an appeal from a sentence of fine) shall finally abate on the death of the appellant.

In view of such provision and the fact that the appellant is dead, the appeal stands abated.

Accordingly, the CRLA is disposed of.

Urgent certified copy of this order be granted on proper application.



RKM