

IN THE HIGH COURT OF ORISSA AT CUTTACK

JCRLA No.67 of 2006

Kesaba @ Kastura Kanhar

.....

Appellant

Mr. Pratibha Mishra, Advocate

-Versus-

State

.....

Respondent

Ms. Saswata Patnaik,
Addl. Government Advocate

CORAM:

**JUSTICE S. TALAPATRA
JUSTICE SAVITRI RATHO**

ORDER

02.12.2022

Order No.

12.

1. This matter is taken up through Hybrid Mode.
2. Ms. Saswata Patnaik, learned Addl. Government Advocate appearing for the State has clarified that the information she imparted was on 01.12.2020 was not correct. The said information that she imparted was on the basis of our instruction, which was received in 2021.
3. Today, Ms. Pratibha Mishra, learned counsel for the appellant has produced the Death Certificate of Keshab Kanhar, son of Ibu Kanhar of Phiringia Police Station, District- Kandhamal.

4. The said Death Certificate, issued by the Registrar of Births and Deaths, shows that the appellant died on 30.05.2021 and on that very date, the death was registered. The Death Certificate has been issued from the said Register on 15.06.2021.

5. Ms. S. Patnaik, learned Addl. Government Advocate has submitted that there is no dispute in respect of authenticity of the said Death Certificate. The appeal has abated for death of the sole appellant.

6. It is noteworthy that the appeal was filed against the Judgment dated 17.05.2006, delivered in S.T. No.58 of 2004 by the Sessions Judge, Phulbani whereby the deceased appellant was convicted under Section 302 of the IPC and sentenced to undergo Rigorous Imprisonment for life.

7. Having observed thus, the appeal stands dismissed on abatement.

(S. Talapatra)
Judge

(Savitri Ratho)
Judge

