

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

CRIMINAL APPEAL NO. 597 OF 2018

Dakram S/o Pandhari Ghormode,
Aged about 31 years, Occu. Labourer
R/o Gose (Buz), Tah. Pauni, Dist. Bhandara.

.... **APPELLANT**

// VERSUS //

State of Maharashtra
Through Police Station Officer,
Adyal, Tah. Pauni, Dist. Bhandara.

.... **RESPONDENT**

Shri Nihalsingh Rathod, Advocate for the appellant.
Shri S. S. Doifode, learned A.P.P for the respondent/State

CORAM : V. M. DESHPANDE & AMIT B. BORKAR, JJ.
DATED : APRIL 07, 2022

ORAL JUDGMENT : (PER:- V. M. Deshpande, J.)

1. This appeal challenges the judgment and order of conviction passed by the learned Additional Sessions Judge, Bhandara on 15.09.2018 in Sessions Trial No. 04/2017 for the offence punishable under Sections 302 and 201 of the Indian Penal Code. For his conviction, the learned Judge of the trial Court sentenced him to suffer imprisonment for life.

2. The appellant had filed this appeal through his Advocate Shri S. K. Kotwal. The appeal was admitted on 11.10.2018. the appellant had also moved an application for suspension of substantive jail sentence and for grant of bail, however after considering the submissions advanced on behalf of the appellant, on 30.11.2018 his application for bail was rejected. Thereafter the office has prepared the paper book and the matter was listed for final hearing.

3. It was noticed by this Court that learned counsel Shri S. K. Kotwal was not appearing for the appellant and the matter being jail appeal, this Court appointed Shri Nihalsingh Rathod as a counsel to prosecute this appeal. Accordingly, Registrar (Judicial) was directed to furnish a copy of the paper book to Shri Nihalsingh Rathod, Advocate. Accordingly, copy of paper book was furnished to him.

4. Thereafter, this matter was listed on 28.03.2022. On the said date, learned counsel Shri Rathod informed the Court that he has received information that the appellant was released from jail on 04.06.2021 on Covid Emergency Parole, however he died on 25.01.2022 at Bhandara Government Hospital. On the said date, since

he was not having Death Certificate of the appellant, he could not file the same on record.

5. Today, when this appeal was listed, learned Additional Public Prosecutor has invited our attention to the pursis filed by the office of Public Prosecutor dated 31.03.2022. Along with the pursis, a copy of death certificate of the appellant is also placed on record, which shows that appellant – Dakram Pandhari Ghormade has passed away in the Government Hospital.

6. In view of the pursis filed by the State along with the Death Certificate of the appellant, the appeal abets and accordingly it is disposed of.

7. It will not be out of place to make a reference here that though the matter could not be heard on merits ultimately, but Shri Nihalsingh Rathod, learned counsel was fully prepared with the matter.

JUDGE

JUDGE

Diwale