

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

312

CRA-S-1161-SB-2000 (O&M)
Decided on : 19.12.2022

Dharmender
Versus
State of Haryana
... Appellant(s)
... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: None for the appellant(s).

Mr. Vikas Bhardwaj, AAG, Haryana.

SANJAY VASHISTH, J. (Oral)

Order dated 16.12.2022 passed by this Court, says as under:-

“Appellant- Dharmender and one other Krishan Kumar were accused in FIR No. 138 dated 26.05.1995, under Sections 307 and 34 IPC, registered at Police Station Mahendergarh.

As per note given on the first page of impugned judgment dated 04.10.2000, accused Krishan Kumar had already been convicted and sentenced vide judgment of conviction and order of sentence dated 17.12.1998 and 19.12.1998, respectively, by learned trial Court. Thus, vide sessions case No. 6/1995, trial qua accused- Dharmender (appellant herein) was conducted separately and vide judgment of conviction and order of sentence dated 04.10.2000, passed by the learned Additional Sessions Judge-1, Narnaul, accused Dharmender was held guilty of the following offences and sentenced accordingly:-

Accused- Dharmender

<i>Offence</i>	<i>Sentence</i>	<i>Fine</i>	<i>In default</i>
<i>307/34 IPC</i>	<i>05 years R.I.</i>	<i>Rs. 1000/-</i>	<i>3 months, S.I.</i>

By searching out from the Web Portal of the High Court website, this Court has acknowledged that separately tried and convicted accused Krishan Kumar had filed one CRA-S-83-SB-1999 and on account of his death, it was ordered to be abated on 04.10.2011 and said order says as under:

“Learned counsel for the appellant states that Krishan Kumar- appellant has expired, therefore, present appeal has been abated.

Present appeal is dismissed as abetted.”

Today, there is no representation on behalf of the appellant, therefore, in the interest of justice, adjourned to 19.12.2022.

Meanwhile, learned State counsel is directed to make genuine efforts to find out the life status of appellant-Dharmender.”

Today, learned State counsel has produced the death certificate dated 08.03.2019 in the Court today, which is handed over by Inspector Devender to him and same is taken on record.

Learned State counsel submits that appellant- Dharmender has expired on 20.02.2019, therefore, on account of his death, present appeal stands abated.

Learned State counsel also points out that this Court has already dealt with the provisions of Section 394 of Cr.PC in **IOIN-CRA-S-4686-SB-2018 in CRA-S-4686-SB-2018**, titled as, **“Shivji Ram @ Dimple Vs. State of Punjab”**, decided on **24.11.2022**, and in view of the same, the present appeal may be disposed of.

In view of said circumstances, present appeal stands abated, and

same is disposed of as such. However, disposal of the present appeal will be subject to the terms & conditions, passed by this Court in **Shivji Ram @ Dimple's case** (supra).

Pending criminal miscellaneous application(s), if any, also stand disposed of.

(SANJAY VASHISTH)
JUDGE

December 19, 2022

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Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*