

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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1)

CRR-665-2008 (O&M)
Decided on : 14.11.2022

Piara Lal

. . . Petitioner(s)

Versus

State of Punjab and others

. . . Respondent(s)

2)

CRA-S-469-SB-2008 (O&M)

Raj Kumar Shaheen

. . . Appellant(s)

Versus

State of Punjab

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Varinder Singh Rana, Advocate
for the petitioner(s) (in CRR-665-2008)
for the complainant (in CRA-S-469-SB-2008).

None for the appellant(s) (in CRA-S-469-SB-2008).

Mr. JS Arora, DAG, Punjab.

SANJAY VASHISTH, J. (Oral)

1. This order shall dispose of CRR-665-2008 (O&M) and CRA-S-469-SB-2008 (O&M), as both the cases are interconnected and arising out of the same FIR.

2. Trial, in FIR No. 177, dated 20.11.2004, under Sections 382, 353, 367, 332, 323, 186, 283, 506 & 149 of IPC, P.S. Islamabad, Amritsar, was conducted *qua* total 10 accused i.e. 1. Surinder Kumar Chaudhary, 2. Pawan Kumar @ Pamma, 3. Sunil Kumar @ Sonu, 4. Sanjeev Kumar, 5. Rajnish @ Bobby, 6. Balwinder Singh @ Kala, 7. Kulwant Kaur, 8. Raj Kumar Shaheen (present appellant in CRA-S469-SB-2008), 9. Satpal, and

10. Ashu Pardhan. Vide judgment dated 01.02.2008, all the accused were convicted and sentenced for offences under Sections 332, 353, 382, 34 IPC and *qua* all other charges, they were acquitted by the Court of Ld. Addl. Sessions Judge (Ad-hoc), Amritsar.

3. While awarding sentence vide order dated 01.02.2008, all the convicts were sentenced under different heads of offences and the maximum period of sentence awarded was rigorous imprisonment of 02 years under Section 382 IPC. All the sentences were ordered to run concurrently.

4. Mr. V.S. Rana, learned counsel appearing for the revisionist/petitioner (complainant in FIR), submits that CRA-S-469-SB-2008 is filed by appellant (Raj Kumar Shaheen), however, all other 09 convicts had filed two separate appeals i.e. CRA-S-368-SB-2008 (Ashu Pardhan Vs. State of Punjab), and CRA-S-395-SB-2008 (Kulwant Kaur and others Vs. State of Punjab), which have already been decided by this Court vide order dated 21.02.2022, by which FIR No. 177, dated 20.11.2004, under Sections 382, 353, 367, 332, 323, 186, 283, 506 & 149 of IPC, P.S. Islamabad, Amritsar, as well as all consequential proceedings arising therefrom *qua* all the appellants, have been quashed on the basis of compromise, and resultantly, judgment of conviction and order of sentence dated 01.02.2008, passed by Ld. Additional Sessions Judge (Ad-hoc), Amritsar, have also been set-aside.

In that regard, learned counsel for the revisionist (complainant) has produced a copy of the order dated 21.02.2022, which is taken on record, of the present appeal as well.

5. Factum of compromise, and disposal of aforementioned two appeals i.e. CRA-S-368-SB-2008, and CRA-S-395-SB-2008, is also not

disputed by the learned State counsel.

6. Learned counsel for the revisionist/petitioner also submits that in view of compromise already having been arrived at between the parties, there is nothing left in criminal revision i.e. CRR-665-2008, and thus it has been rendered infructuous and may be disposed of as such.

7. In view of the statement of counsel for the revisionist/petitioner (complainant), criminal revision i.e. **CRR-665-2008, is ordered as disposed of having become infructuous.**

8. So far as, CRA-S-469-SB-2008 is concerned, same was filed by appellant in-person, but as per office report dated 11.09.2019, he has already expired. Office report is reproduced herebelow:-

*“Notice issued to appellant (in person) Raj Kumar Shaheen has been received back with report that he has been died.
Submitted for 12.09.19.”*

9. This Court has noticed that revisionist (complainant) himself has admitted the factum of compromise, and quashing of FIR as well as consequential proceedings in other two connected appeals i.e. CRA-S-368-SB-2008, and CRA-S-395-SB-2008, and has also stated that the appellant – Raj Kumar Shaheen, has died during the pendency of present appeal, as per his instructions. Said fact stands corroborated with the office report dated 11.09.2019 as well, which is reproduced hereabove.

10. In view of facts and circumstances, and the fact that appellant Raj Kumar Shaheen, who filed the present appeal i.e. CRA-S-469-SB-2008, in his personal capacity, has already expired, there would not be any point in keeping the appeal pending before this Court, which has already been abated.

11. Accordingly, CRA-S-469-SB-2008 is disposed of as having become abated.

**(SANJAY VASHISTH)
JUDGE**

November 14, 2022

J.Ram

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No