

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

365-2

Decided on : 13.01.2023

CRA-S-1342-SB-2004 (O&M)

Mukhtiar Singh @ Kartar Singh and others

... Appellant(s)

Versus

State of Punjab

... Respondent(s)

CRR-1894-2004 (O&M)

Pirthipal Singh

... Appellant(s)

Versus

Mukhtiar Singh @ Kartar Singh and others

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: None for the appellants in CRA-S-1342-SB-2004.

Mr. A. S. Sandhu, AAG, Punjab,
assisted by ASI Mehtab Singh.

None for the petitioner in CRR-1894-2004.

SANJAY VASHISTH, J. (Oral)

In session case No. 185 dated 27.10.2003 arising from FIR No. 125 dated 02.08.2003 under Sections 307 read with Section 34 of the Indian Penal Code, registered at Police Station Mallan Wala, total 03 accused namely Mukhtiar Singh @ Kartar Singh, Gurcharan Singh @ Charna and Basant Singh were tried by the Court of learned Additional Sessions Judge, Fast Track Court, Ferozepur.

Vide judgment of conviction and order of sentence dated

14.06.2004, all the three accused were held guilty for the offence under Section 307/34 IPC and were sentenced as follows:

(I) Mukhtiar Singh @ Kartar Singh :

Section(s)	Sentence	Fine	In default
307/34 IPC	05 years, R. I.	Rs. 2,000/-	01 year R. I.

(II) Gurcharan Singh @ Charna :

Section(s)	Sentence	Fine	In default
307/34 IPC	05 years, R. I.	Rs. 2,000/-	01 year R. I.

(III) Basant Singh :

Section(s)	Sentence	Fine	In default
307 IPC	05 years, R. I.	Rs. 2,000/-	01 year R. I.

Assailing the said impugned judgment of conviction and order of sentence, present appeal was filed by appellants and connected matter i.e. CRR-1894-2004 has been filed by Pirthipal Singh, who is real brother of appellant No. 1-Mukhtiar Singh @ Kartar Singh, seeking modification in the order of sentence.

On 13.12.2019, order passed by Co-ordinate Bench of this Court says as under:

“Learned State counsel submits that appellants Mukhtiar Singh @ Kartar Singh and Gurcharan Singh @ Charna have since passed away and thus their appeals have been abated.

It is so ordered.

At request of learned counsel for the appellant, adjourned to 15.01.2020.

A photocopy of this order be placed on the file of connected case.”

Thus, appeal qua both the appellants i.e. Mukhtiar Singh @ Kartar Singh (appellant No. 1) and Gurcharan Singh @ Charna (appellant No. 2) has already been abated by this Court.

Today, though there is no representation on behalf of the appellant No. 3-Basant Singh, yet Mr. A. S. Sandhu, AAG, Punjab (State Counsel) produces a death certificate dated 16.08.2020 of appellant No. 3-Basant Singh; issued by Chief Registrar (Birth & Death), Punjab, which has been supplied to him by ASI Mehtab Singh. As per said death certificate, Basant Singh had expired on 25.07.2020. Said death certificate is taken on record. Registry is directed to tag the same at appropriate place.

He 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, 2022 SCC OnLine P&H 3759, Law Finder Doc ID #2076392, and in view of the same, present appeal may be disposed of.

In view of said circumstances, **present appeal stands abated, and same is disposed of** as such subject to conditions laid down in *Shivji Ram @ Dimple’s case (supra)*.

Appeal stands disposed of accordingly.

CRR-1894-2004 (O&M)

By way of revision petition, complainant- Pirthipal Singh seeks modification in the order of sentence dated 14.06.2004 passed by learned Additional Sessions Judge, Fast Track Court Ferozepur, and prays for enhancement of sentence in view of the facts and circumstances of the case.

Though there is no representation on behalf of the petitioner,

still in view of the order passed in the above said appeal i.e. CRA-S- 1342-SB-2004, present revision petition stands disposed of as having being rendered infructuous.

Revision petition stands disposed of as being rendered infructuous.

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

(SANJAY VASHISTH)
JUDGE

January 13,2023
Riya

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