

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

380

**CRA-S-1661-SB-2004
Decided on : 20.01.2023**

Swarna

. . . Appellant(s)

Versus

State of Punjab

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. L.S. Sekhon, Advocate
for the appellant(s).

Mr. J.S. Arora, DAG, Punjab.

SANJAY VASHISTH, J. (Oral)

Present appeal was filed by the convict – Swarna (appellant herein) s/o Peeran Ditta son of Jaggu, r/o Village Latian Wala, P.S. Sultanpur Lodhi, against the judgment dated 08.12.2003, passed by Ld. Judge, Special Court, Kapurthala, in Sessions Case No.41, dated 17.07.1999, arising out of FIR No.129, dated 11.07.1999, lodged under Section 15 of the NDPS Act, registered at P.S. Sultanpur Lodhi.

Appellant was convicted under Section 15 of the NDPS Act, and was sentenced to undergo RI for 03 years, and to pay a fine of Rs.30,000/-. In default of payment of fine, he was further directed to suffer RI for four months.

On 05.01.2023, learned State counsel suffered the statement that appellant – Swarna, has already expired, and he sought time to place on record the death certificate of the appellant.

Today, at the time of hearing, counsel for the appellant has produced in Court today, the photocopy of death certificate dated 24.07.2021

of the appellant, issued by the Department of Health and Family Welfare, Govt. of Punjab. As per death certificate, appellant Swarna expired on 13.07.2021. Photocopy of said death certificate is taken on record, subject to all just exceptions. Office to tag the same at appropriate place.

Learned State counsel is not in a position to counter the statement made by counsel for the appellant *qua* the death of the appellant – Swarna, which is supported with the death certificate also. As per death certificate, appellant – Swarna, expired during the pendency of appeal on 13.07.2021.

In view of the above noted 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 **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**.

Appeal stands disposed of.

(SANJAY VASHISTH)
JUDGE

January 20, 2023

J.Ram

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*