

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

382

1)

**CRA-S-1699-SB-2004**  
**Decided on : 23.02.2023**

Nirmal Singh and another

... Appellant(s)

Versus

State of Punjab

... Respondent(s)

2)

**CRR-2-2005**

Gurdial Singh

... Petitioner(s)

Versus

State of Punjab and others

... Respondent(s)

**CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH**

Present: None for the appellant(s) (in CRA-S-1699-SB-2004).

None for the petitioner(s) (in CRR-2-2005).

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

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**SANJAY VASHISTH, J. (Oral)**

This judgment shall dispose of CRA-S-1699-SB-2004 and CRR-2-2005, as they both are interconnected and arising out of the same judgment of conviction and order of sentence dated 11.08.2004. However, the facts are being extracted from CRA-S-1699-SB-2004.

2. Criminal Appeal i.e. CRA-S-1699-SB-2004, was filed by appellant No.1 – Nirmal Singh and appellant No.2 – Bant Singh, against the judgment of conviction and order of sentence dated 11.08.2004, passed by the Ld. Sessions Judge, Faridkot, whereby, appellants were acquitted for the offence under Section 307 of IPC, however, were held guilty under Sections 324, 324/34 of IPC. Trial was conducted and decided vide Sessions Case RT

No.29/13.9.2000/7.5.2004, arising from FIR No. 51, dated 05.06.2000, registered under Sections 307/324/323 read with Section 34 of IPC, lodged at Police Station Sadar Kotkapura, Faridkot.

Accused/appellants were held guilty for commission of offences punishable under Sections 324, 324/34 of IPC, and both of them were ordered to undergo sentence(s), as detailed in the following table:

| <b>Name of Convict</b> | <b>Under Section</b> | <b>Sentence</b> | <b>Fine</b> | <b>In Default</b> |
|------------------------|----------------------|-----------------|-------------|-------------------|
| Nirmal Singh           | 324 IPC              | 02 years RI     | Rs.5000/-   | 6 months RI       |
| Bant Singh             | 324/34 IPC           | 02 years RI     | -           | -                 |

The period of detention during investigation or trial was ordered to be set off against the period of their sentence.

3. Challenging the aforesaid judgment of conviction and order of sentence dated 11.08.2004, present appeal i.e. CRA-S-699-SB-2004, was instituted by the appellants in the year 2004. On 05.01.2023, following order was passed:-

*“Appellant No.1-Nirmal Singh, then aged 38 years and appellant No.2-Bant Singh, then aged 78 years, have filed present appeal against their conviction under Sections 324 and 324/34 IPC.*

*Learned counsel also submits that there is finding of acquittal for the offence under Section 307 IPC qua both the appellants.*

*Learned counsel also points out that life status of both the appellants be got verified through learned State counsel, as appellant No.2-Bant Singh, was then 78 years of age i.e. in the year 2004.*

*Adjourned to 23.02.2023.*

*Learned State counsel will get the information in regard to life status of both the appellants on or before the next date of hearing.*

*Photocopy of this order be placed on the file of other connected case.”*

4. Today, learned State counsel has filed status report dated 18.02.2023, by way of affidavit of Mr. Shamsher Singh, PPS, DSP, Sub Division Kotkapura, Distt. Faridkot, on behalf of the respondent-State, in Court today, which is taken on record, subject to all just exceptions. Office to tag the same at appropriate place.

A copy thereof has been handed over to the counsel for the appellants.

5. According to the aforesaid reply, appellant No.1 – Nirmal Singh, expired on 02.11.2016, whereas, appellant No.2 – Bant Singh (also known as Basant Singh) had expired on 28.02.2007. Photocopies/true typed copies of the death certificates of both the appellants are annexed with aforesaid status report as Annexures R-5/T & R-6/T, respectively. Relevant para No.2 of the said status report is reproduced herein-below:-

“2. *That in compliance of order of this Hon'ble Court, the life status of both the appellants has been got verified through Incharge, Police Post Ranjgrain Kalan, who enquired about the appellants from the family members and local prominent persons as well. As per the latest information, **appellant no. 1 Nirmal Singh has passed away on 02.11.2016**, whereas his father **appellant no. 2 Bant Singh also known as Basant Singh had died on 28.02.2007**. Persons joined to the enquiry have suffered their respective statements in this connection and same are annexed herewith as Annexure: R-1/T to R-4/T. The death certificate of deceased Nirmal Singh produced by his family member is also annexed as Annexure: R-5. Further the death of Bant Singh alias Basant Singh has got verified from the office of Additional District Registrar, Birth and Death vide report dated 09-02-2023 as Annexure: R-6/T.”*

6. In view of the above noted circumstances, present appeal *qua* both the appellants stands abated, and same is disposed of as such. However, same would be subject to the terms & conditions, passed by this Court in **Shivji Ram @ Dimple Vs. State of Punjab**, 2022 SCC Online P&H 3759 (Law Finder Doc Id # 2076392).

Appeal stands disposed of.

7. So far as, criminal revision i.e. CRR-2-2005 is concerned, today learned State counsel has filed status report dated 18.02.2023, by way of affidavit of Mr. Shamsheer Singh, PPS, DSP, Sub Division Kotkapura, Distt. Faridkot, on behalf of the respondent-State, in Court today, which is taken on record, subject to all just exceptions. Office to tag the same at appropriate place.

9. According to the aforesaid reply, appellant No.1 – Nirmal Singh, has expired on 02.11.2016, whereas, appellant No.2 – Bant Singh (also known as Basant Singh) had expired on 28.02.2007. Relevant para No.2 of the said status report is reproduced herein-below:-

*“2. That in compliance of order of this Hon'ble Court, the life status of both the appellants has got verified through Incharge, Police Post Panjgrain Kalan who enquired about the appellants from the family members and local prominent persons as well which reveals that appellant no. 1 Nirmal Singh has passed away on 02-11-2016 whereas his father appellant no, 2 Bant Singh also known as Basant Singh had died on 28-02-2007. Persons joined to the enquiry have submitted their respective statements in this connection and same are annexed herewith as **Annexure: R-1/T to R-4/T** The death certificate of deceased Nirmal Singh produced by his family member is also annexed as **Annexure: R-5**. Further the death of Bant Singh alias Basant Singh has got verified from the office of Additional District Registrar, Birth and Death vide report dated 09-02-2023 as **Annexure: R-6/T**.*

*Hence, this status report is being submitted for kind*

*consideration of this Hon'ble Court. ”*

Since both the appellants have expired during the pendency of the criminal appeal i.e. CRA-S-1699-SB-2004, and already appeal has been ordered to have abated, nothing survives in the present criminal revision petition.

Criminal revision petition also stands disposed of accordingly.

**(SANJAY VASHISTH)**  
**JUDGE**

**February 23, 2023**

*J.Ram*

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