IN THE HIGH COURT OF JHARKHAND AT RANCHI

Cr. Appeal (SJ) No. 246 of 2005

1.Shiv Barti Devi, Wife of Late Banshi Sao, aged about more than 65 years.
2.Kusum Devi, Wife of Om Prakash Gupta.
3.Om Prakash Gupta, Son of Late Banshi Sao.
All resident of Village-Rehla, P.O. & P.S-Rehla, District-Palamau. …… Appellants

Versus

The State of Jharkhand ……. Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY PRASAD

For the Appellant : Mr. Sanjay Kumar, Advocate
For the State : Mr. Shailesh Kumar Sinha, APP

07/Dated: 12th December, 2024

Mr. Sanjay Kumar, Advocate under the instruction of Mr. B.P. Jaiswal, learned counsel for the appellant is present.

2. Heard Mr. Shailesh Kumar Sinha, learned APP on behalf of the State.

3. Mr. Shailesh Kumar Sinha, learned APP has submitted that he has filed supplementary affidavit in Cr. Appeal (S.J) No.246 of 2005 on 10.12.2024. It is submitted that all the three appellants namely Shiv Barti Devi, Kusum Devi and Om Prakash Gupta have died and photo copies of their Death Certificates have been enclosed as Annexure-A series and hence this appeal has abated in respect of the appellants.

4. No objection has been raised by the learned counsel appearing on behalf of the appellants.

5. From perusal of the supplementary affidavit dated 10.12.2024 filed by the State through one Santosh Kumar Singh, son of late Sudha Singh, working as Sub Inspector, Rehla P.S, District-Palamau, it appears that all the three appellants namely

Shiv Barti Devi, Kusum Devi and Om Prakash Gupta have died on 26.05.2020, 25.12.2010 and 01.08.2013 respectively and photo copies of their Death Certificates have been enclosed as Annexure-A series.

6. It has been stated that the above affidavit has been filed in the light of the order dated 15.09.2023 passed in Cr. Revision No.869 of 2018 and Cr. Revision No.942 of 2018 by this Court.

7. From perusal of the Death Certificate issued by the Executive Officer, Nagar Panchayat, Bishrampur, it appears that Kusum Devi and Om Prakash Gupta had died on 25.12.2010 and 01.08.2013 respectively.

8. From perusal of the Death Certificate issued by the Registrar, Birth and Death, Nagar Parishad, Bishrampur, it also appears that Shiv Barti Devi had died on 26.05.2020.

9. Thus, this Cr. Appeal (SJ) No.246 of 2005 has become infructuous as having abated against all the three appellants namely Shiv Barti Devi, Kusum Devi and Om Prakash Gupta.

10. Under the circumstances, in view of the provisions of Section 394 Cr.P.C., this Cr. Appeal (S.J) No.246 of 2005 stands abated against the appellants and stands disposed of.

11. Let the original L.C.R and a copy of this order be sent to the learned Court below.

(Sanjay Prasad, J.)

Saket/-