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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CRL.A. 144/2023**

STATE

..... Appellant

Through: **Ms. Manjeet Arya, APP for State**

versus

MUKESH MANDAL

..... Respondent

Through: **Ms. Aashaa Tiwari, Advocate**
(Amicus Curiae)

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

HON'BLE MR. JUSTICE MANOJ JAIN

ORDER

28.02.2024

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1. The present appeal is preferred under Section 378 Cr.P.C. against the judgment dated 18.11.2020 passed by learned Court of Sessions in Sessions Case No.291/2017 whereby respondent has been acquitted of the offence under Sections 307/363/364 IPC in FIR No.129/2016, registered at Police Station Dabri, Delhi.

2. During pendency of the present appeal, vide order dated 11.10.2022, Ms. Aashaa Tiwari, Advocate was appointed amicus curiae to represent the case of the respondent.

3. The present appeal was admitted for hearing on 08.02.2023 and respondent-accused was granted bail during pendency of the present appeal.



4. Learned counsel for respondent, on instructions, has informed this Court that respondent has been murdered and FIR No.148/2023 dated 22.08.2023, under Section 304/34 IPC has been registered at Police Station Sahiyara, Sitamari Bihar.

5. SHO/Insp. Dhananjay, Police Station Dabri is present in Court and he has handed over copy of Death Summary Report prepared by Police Station Sahiyara, affidavit dated 01.09.2023 qua Death Certificate and statement of Mr. Ram Pratap Mandal, who is son of respondent and statement of Mr. Kalewar Mahto who is neighbour of respondent both residents of Village Gadhwa, Bishanpur, Sitamarhi, Bihar, wherein it is stated that the respondent herein has expired on 26.06.2023.

6. In view of the fact that respondent-accused, who had been acquitted by Learned Trial Court has expired, the present appeal preferred by the State stands abated.

SURESH KUMAR KAIT, J

MANOJ JAIN, J

FEBRUARY 28, 2024/rk