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

+ **CRL.A. 604/2002**

NAWAL KISHORE & ANR.

.....Appellants

Through: Smt. Hoshiyari Devi, mother and
Surety of Nawal Kishore-appellant
No.1.

Mr. Radhey Shyam, Surety of
Appellant No.1.

Mr. Prabhu Dayal, Surety of Appellant
No.2.

versus

STATE N.C.T. OF DELHI

.....Respondent

Through: Mr. Mukesh Kumar APP for the State
(M: 9313007949)

Insp. Yogendra Kr., P.S. Sultanpuri.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE AMIT SHARMA

ORDER

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31.07.2024

1. This hearing has been done through hybrid mode.
2. This is an appeal of the year 2002 filed under section 374 Cr.P.C. challenging the judgment dated 5th July, 2002 and order on sentence dated 8th July, 2002 passed by learned ASJ, Delhi in SC no. 258/2002, arising out of FIR no. 738/1997 under Sections 302/34 of the IPC, registered at PS Sultan Puri, wherein the Appellants have been convicted and sentenced to life imprisonment alongwith a fine of Rs. 10,000/-, in default of payment of fine-Rigorous imprisonment for 10 months under Section 302/34 of the IPC.
3. Today, Mr. Mukesh Kumar, ld. APP for the State has handed over two



sets of documents filed by SHO PS Sultan puri, which shows that Sh. Nawal Kishore has passed away on 29th December, 2019 in Safdarjung Hospital, New Delhi. His wife- Smt. Jyoti has given a statement that her husband was suffering from Kidney failure. He was being treated at Safdarjung Hospital and he finally passed away on 29th December, 2019. Sureties of Nawal Kishore *i.e.*, his mother Smt. Hoshyari Devi and Sh. Radhey Shyam are present in Court.

4. Insofar as second Appellant- Sh. Suraj @ Pappu is concerned, he is stated to have passed away on 23rd July, 2018. As per the statement given by his wife Usha, he had committed suicide on the said date. One of the surety of Sh. Suraj *i.e.*, Sh. Prabhu Dayal is also present in Court. The death certificates have been verified by the civic agency.

5. These two sets of documents by SHO PS Sultanpuri are taken on record.

6. In view of the demise of both appellants, the appeal stands abated and is disposed of.

7. The sureties are accordingly discharged.

PRATHIBA M. SINGH, J.

AMIT SHARMA, J.

JULY 31, 2024/nk/ks/Pc