

CRA 104 of 2005

In the matter of : **Babar Ali Khan**

....Appellant

Mr. Bidyut Kumar Roy,
Ms. Mausumi Sarkar,

.... for the State

1. None appears on behalf of the appellant.
2. State is represented.
3. In pursuance of the direction passed by this Court a report is handed over by the learned Advocate for the State. The said report submitted by the Superintendent of Police, Murshidabad Police District indicates that during pendency of appeal, the sole appellant/convict, namely, Babar Ali Khan was expired on 17.09.2018. A photocopy of certificate of death of the said appellant/convict which is tagged with the report also affirms his death. The report submitted by the Superintendent of Police, Murshidabad be kept with the record.
4. As the sole appellant/convict has been expired during pendency of the appeal the instant case stands abated against him.
5. Accordingly, the instant appeal being CRA 104 of 2005 is hereby dismissed as abated.
6. Let a copy of this order along with the Trial Court Records be sent down to the Trial Court immediately.
7. Urgent Photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Prasenjit Biswas, J.)