

17.09.2025
Sl. No.19
AMR
Ct.No.655

CRA 671 of 2007

In the matter of : **Nirmal Kumar Naskar**

.... Appellant

1. None appears on behalf of the parties.
2. In pursuance of the direction passed by this Court dated 25.07.2025, a report is submitted by the department along with a report of the Officer-in-Charge, Durgachak P.S., Purba Medinipur. It transpires from the said report that during pendency of this appeal, the appellant (Nirmal Kumar Naskar), respondent no. 1 (Kalipada Naskar), respondent no. 2 (Tapas Naskar) and respondent no. 5 (Khudiram Baidya) have already expired.
3. The photocopies of certificates of death of the said deceased persons have been collected and tagged with the report, which also affirm their death.
4. In the present case, the appeal was originally preferred by the appellant/complainant assailing the judgment of acquittal rendered by the learned Trial Court. However, during the pendency of this appeal, the appellant/complainant unfortunately expired. Despite sufficient lapse of time, no legal heir or any other interested person has come forward to file an application seeking leave of this Court to proceed with the appeal in place and stead of the deceased complainant.
5. It is a settled position of law that in cases where an appeal against acquittal is preferred by a private complainant, on the

death of such complainant, the right to pursue the appeal does not automatically survive unless the legal representatives or any other person having locus standi moves the Court by filing a proper application for substitution and for continuation of the proceedings. In the absence of such an application, the appeal cannot be carried forward merely in the name of a deceased appellant.

6. In the instant case, since the complainant-appellant has expired and no one has taken steps to substitute his name or to proceed further with the matter, the instant appeal stands abated.

7. Accordingly, the instant appeal be and the same is hereby **dismissed as abated.**

8. Let a copy of this order along with the Trial Court Record be forthwith sent down to the learned Trial Court.

9. Urgent Photostat Certified Copy of this order, if applied for, be supplied expeditiously after complying with all necessary legal formalities.

(Prasenjit Biswas, J.)