

548 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRA-S-1104-SB-2007 (O&M)
Date of Decision: 20.05.2025

DIWANA

...Appellant

V/S

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: None for the appellant.

Mr. Harkesh Kumar, AAG Haryana.

HARPREET SINGH BRAR J. (Oral)

1. The present appeal has been filed against the judgment of conviction dated 08.01.2007 and order of sentence dated 09.01.2007 passed by learned Special Judge, Jind in the case stemming from FIR No. 99 dated 22.06.2003 registered under Section 20 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter to be referred as NDPS Act) at Police Station Julana. The appellant was sentenced as follows:

Offence	Sentence
Section 20 of NDPS Act	Rigorous imprisonment for 05 years and a fine of Rs. 20,000/- and in case of default, rigorous imprisonment 06 months.

2. At the outset, learned State counsel on instructions from SI Ashish Kumar submits that appellant namely Diwana has passed away during the pendency of the present proceedings and produced photocopy of his death certificate issued by Sarpanch of Gram Panchayat, Shamlo Kalan. Same is taken on record. Be tagged at the appropriate place.

3. In view of the judgment rendered by this Court in ***Shivji Ram @ Dimple vs. State of Punjab 2023(1) R.C.R.(criminal) 738*** as well as the Full

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Bench of the Kerala High Court in *Pazhani S/o Chami vs. State of Kerala 2017(1) R.C.R. (Criminal) 1045*, the present appeal is disposed of with the following directions:

- i. The appeal shall stand abated on account of death of the appellant.
 - ii. The State exchequer shall be at liberty to recover the fine amount by adopting due process of the law.
 - iii. If State chooses to start recovery process of the amount of fine from the estate of the deceased appellant, a valid notice in that regard would be served upon his legal heir(s) who has a vested right in the said estate.
 - iv. If any such legal heir(s) or any interested person is aggrieved with the process of recovery of fine, he may move an appropriate application before this Court seeking revival of the appeal. However, the same must be done within 30 days of receipt of such notice.
 - v. Such legal heir(s) or any interested person would also be at liberty to deposit the total amount of fine, which is subject matter of the appeal, in the office of concerned authority.
 - vi. If revived, the appeal shall be heard on merits.
4. Pending miscellaneous application(s), if any, shall also stand disposed of.

20.05.2025
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>