



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

410

CRA-S-138-SB-2007 (O&M)
Date of decision: 19.05.2025

Arun and another

Versus

The State of Haryana

....Appellants

....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. B.S. Saroha, Advocate
for the appellants.

Mr. Harkesh Kumar, AAG, Haryana.

HARPREET SINGH BRAR J. (Oral)

1. The prayer in the present appeal is to set-aside the judgment of conviction dated 22.12.2006 and order of sentence dated 23.12.2006 passed by learned Judge, Special Court, Jhajjar whereby the appellants were convicted and sentenced for the offence punishable under Section 20 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter ‘the NDPS Act’), in the case stemming from FIR No.65 dated 09.04.2004 registered under Section 20 of the NDPS Act at Police Station Beri.
2. The appellants Arun and Sanjay were found in possession of 175 gms of Charas and 250 gms of Charas, respectively, for which they were convicted and sentenced as follows:-

Offence	Sentence
Section 20 of the Narcotic Drugs and Psychotropic Substances Act, 1985	Rigorous imprisonment for a period of 05 years each and to pay fine of Rs.20,000/- each and in default of payment of fine, to further undergo



	rigorous imprisonment for 03 months each.
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3. Learned State counsel at the very outset, on instructions from ASI Ashok Kumar, submits that appellant No.1 – Arun had died on 28.11.2017 and appellant No.2 – Sanjay had also died 12 years ago, during the pendency of the present appeal. In this regard, the death certificate of appellant No.1 as well as statement of Sarpanch of Gram Panchayat Karondha, District Bhiwani, have been produced, which are taken on record as Mark X.

4. 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 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:

- 1. The instant appeal stands abated on account of death of the appellanst.*
- 2. The State exchequer shall be at liberty to recover the fine amount by adopting due process of the law.*
- 3. If State chooses to start recovery process of the amount of fine from the estate of the deceased appellants, a valid notice in that regard would be served upon the legal heirs who have a vested right in the said estate.*
- 4. If any such legal heir(s) or any interested person(s) are aggrieved with the process of recovery of fine, they may move an appropriate application before this Court seeking revival of the appeal. However, the same must be done within a period of 30 days of receipt of such notice.*



- 5. *Such legal heir(s) or any interested person(s) 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.*
- 6. *If revived, the appeal shall be heard on merits.*

5. All the pending miscellaneous application(s), if any, shall also stand disposed of.

(HARPREET SINGH BRAR)
JUDGE

19.05.2025
yakub

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No