



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

**CRR No.1336 of 2010 (O&M)
Date of Decision: 28.02.2025**

Vijay Pal (since deceased)
through his wife/legal representative-Bimla

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Ms. Varsha Sharma, Advocate for
Mr. Ashish Pannu, Advocate for the applicant/petitioner.

MAHABIR SINGH SINDHU, J.

CRM-24088-2018

Application for staying the order of conviction dated 22.01.2009,
passed by learned Chief Judicial Magistrate, Rohtak.

It transpires that main petition was admitted on 26.07.2010.

Petitioner expired on 15.04.2021 and his wife/legal representative-
Smt. Bimla moved an application for permission to continue to prosecute
present revision petition, which was allowed by the Coordinate Bench on
09.05.2022 and the order reads as under:-

2025.PHHC.028973



“1. One Vijay Pal has suffered concurrently made verdicts of conviction, and, consequent therewith sentence, from both the learned Courts below, in respect of a charge drawn against him for the offences, punishable under Sections 279, 337, 338, 304-A IPC. However, from a perusal of the death certificate, as embodied in Annexure P-1, and, appended to the instant application, it is unfolded that the revisionist expired on 15.4.2021. Therefore, the demise of the revisionist has occurred, during the pendency of the instant petition, before this Court. However, though normally on the demise of the revisionist-convict, this Court would dismiss the instant petition on the ground of it having becoming abated. However, since it is stated, at the bar, by the learned Additional Advocate General, that the deceased was a Driver with the Haryana Road Transport Corporation, therefore, if the conviction, and, sentence, as become pronounced, upon him, rather becomes not annuled, after hearing the instant revision petition on merits, and, after substituting his surviving spouse one Bimla Devi, in his place in the array of the petition, thereupon rather for facilitating the above to be lawfully done, this Court deems it fit to allow her substitution in his place, in the array of the petition. The above may ensure hers becoming the recipient of all the pensionary benefits, which otherwise in the face of the criminal revision petition being dismissed, as becoming abated, for the above reasons, may not accrue to her.

2. Consequently, the application is allowed. Bimla Rani wife of deceased Vijay Pal, is impleaded as party to the present petition.

3. Amended memo of parties be filed.

4. Notice to the newly impleaded petitioner, returnable on 1.8.2022.

5. Records of the Courts below, if not received, be requisitioned forthwith.”

2025.PHHC.028973



Today, learned Counsel for the applicant/petitioner submits that sole petitioner is no more and his legal representative-Smt. Bimla is also not interested in pursuing the matter; therefore, the same be disposed off as not pressed.

In view of the above, main petition is taken on Board today itself.

MAIN CASE

Present revision petition has been filed under Section 401 of the Code of Criminal Procedure, 1973 (*for short “Cr.P.C.”*), assailing the impugned order dated 10.05.2010, passed by learned Sessions Judge, Rohtak, whereby appeal of the petitioner against the judgment of conviction dated 22.01.2009 and order of sentence dated 23.01.2009, passed by learned Chief Judicial Magistrate, Rohtak was partly allowed.

(2) In view of the order, passed in CRM-24088-2018, present petition is disposed off as not pressed.

Pending application(s), if any, shall also stand disposed off.

28th February, 2025
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

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