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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CRL.A. 477/2002**

JIMIA KHAN

.....Appellant

Through: Counsel (appearance not given)

versus

STATE (NCT OF DELHI)

.....Respondent

Through: Mr. Ritesh Kumar Bahri, APP with
Mr. Lalit Luthra, Adv.
SI Rahul Malik, PS Kotwali

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE DHARMESH SHARMA

ORDER

% **27.01.2025**

1. This hearing has been done through hybrid mode.
2. The present appeal has been filed on behalf of the Appellant-Jimia Khan challenging the impugned judgment dated 24th April, 2002 and order on sentence dated 26th April, 2002 passed by the Id. Additional Sessions Judge, in **Sessions Case No. 123/2001** arising out of **FIR No. 266/1999** registered at P.S. Kotwali. Vide the said order on sentence, the Appellant was sentenced in the following terms:

“2. Keeping in view the facts and circumstances, I take lenient view and sentence the accused Jimia Khan, S/o Abdul Rasid to undergo imprisonment “FOR LIFE” and pay a fine of Rs. 10,000/- u/s 302 IPC in default of payment of fine he shall suffer SI for 3 years. Accused is further sentenced to RI for 2 months U/S 186 IPC and fine of Rs. 500/- in default of payment of fine he shall suffer SI for 10



days U/S 186 IPC. Both the sentences shall run concurrently. I order accordingly.

The period already undergone by the convict during the investigation and trial shall be set off U/s 426 Cr.PC. Copy of the judgment and order on sentence be supplied to the accused free of cost. File be consigned to Record Room.”

3. The sentence of the Appellant was suspended on 7th October, 2002 in the following terms:

“In the facts and circumstances of the case, particularly in view of the fact that the appellant has already undergone 4 years 5 months of imprisonment.

The appeal is not likely to be heard in the near future. On consideration of the totality of facts and circumstances of the case, we deem it appropriate to suspend the sentence of the appellant Jimia Khan son of Abdul Rasid during the pendency of the appeal on his furnishing a personal bond in the sum of Rs.10,000/- and two sureties in the like amount to the satisfaction of the trial court in FIR No.266/98 under Sections 302/307/186/353 IPG and 25/54/59 Arms Act. registered at P.8. Kotwali, New Delhi. This application is accordingly disposed of.

A copy of this order be sent to the Superintendent, Tihar Jail.”

4. It now transpires that the Appellant has passed away and this fact has been verified in terms of the status report filed by the Respondent dated 1st December, 2024. The status report dated 1st December, 2024 is extracted hereinunder:

“1. Most respectfully, it is submitted that Hon'ble High Court vide its order dated 09.08.24 has issued bailable warrants against appellant namely Jimia Khan s/o Abdul Rasid r/o Mohalla Kazi Paltan Tonk, District Tonk, Ward No. 17, Iqbal Masjid, Rajasthan.



2. *In this regard an enquiry was conducted which revealed that appellant Jimia Khan has passed away on 18.05.21 during the Covid period in RIMS Hospital Cuddapah, Andhra Pradesh. Death certificate issued by RIMS Hospital has been verified and the same is found genuine.*

3. *Accused Jimia Khan @ Jumme Khan was residing alongwith his wife namely Mumtaz Begum & daughter namely Fatima and Imami at House No. 2/183, Giddangi Street, Kamlapuram, Cuddapah, Andhra Pradesh. In this regard statements of 1. Mumtaz Begum w/o Late Jimia Khan 2. Vinod Kumar s/o Veera Kumar r/o 13/488, R S Road, Kamlapuram, Cuddapah, Andhra Pradesh 3. Sheikh Hasimuddin s/o Sheikh Hakim Mehboob Shah r/o 13/472, Bidi Colony, Kamlapuram, Cuddapah, Andhra Pradesh 4. Mehboob Pasha s/o Abdul Razzak r/o pakki street, Kamlapuram, Cuddapah, Andhra Pradesh were also recorded.”*

5. The death certificate dated 30th April, 2018 has also been attached with the status report.

6. In view of the fact that the demise of the Appellant has been verified, the present appeal abates.

PRATHIBA M. SINGH, J

DHARMESH SHARMA, J

JANUARY 27, 2025

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