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

+ CRL.A. 940/2002

SATISH KUMAR GUPTA

.....Appellant

Through: None.

versus

STATE THRU C.B.I.

.....Respondent

Through: Mr. Atul Guleria, SPP with Mr. Aryan Rakesh and Mr. Prashant Upadhyay, Advocates.

CORAM:

HON'BLE MR. JUSTICE RAJNEESH KUMAR GUPTA

ORDER

% **06.08.2025**

1. This hearing has been done through hybrid mode.
2. This is an appeal filed by the Appellant-SatishKumar Gupta, against the judgment dated 12th November, 2002 and order on sentence dated 15th November, 2002 passed by the Special Judge, Tis Hazari Court, Delhi in case bearing no. CC No. 137/01 under Sections 7 & 13(2) r/w 13(1)(d) of the Prevention of Corruption Act, 1988 (hereinafter 'the Act').
3. *Vide* the impugned judgment, the Appellant was convicted under Section 7 and 13(2) r/w Section 13(1)(d) of the Act and was sentenced thereunder.
4. As per the verification report filed on behalf of the Respondent, the Appellant has already expired on 02nd October, 2020.
5. Learned counsel for the Respondent-CBI has submitted that



Respondent is not aware about the legal heirs (LRs) of the Appellant.

6. As per Section 435 of Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), the 'near relatives' of the Appellant have to apply for leave to continue the appeal within 30 days of the death of the Appellant. The Section 435 of BNSS reads as follows:

***“Section 435 in Bharatiya Nagarik Suraksha Sanhita, 2023
435. Abatement of appeals.***

(1) Every appeal under section 418 or section 419 shall finally abate on the death of the accused.

(2) Every other appeal under this Chapter (except an appeal from a sentence of fine) shall finally abate on the death of the appellant:

Provided that where the appeal is against a conviction and sentence of death or of imprisonment, and the appellant dies during the pendency of the appeal, any of his near relatives may, within thirty days of the death of the appellant, apply to the Appellate Court for leave to continue the appeal; and if leave is granted, the appeal shall not abate.

Explanation.-In this section, "near relative" means a parent, spouse, lineal descendant, brother or sister.”

7. In view of the fact that as the Appellant has expired and his near relatives have not applied for leave to continue the present appeal, as per the aforesaid Section, the appeal stands abated.

8. Accordingly, the appeal stands disposed of. Pending application(s), if any, also stands disposed of.

RAJNEESH KUMAR GUPTA, J

AUGUST 6, 2025

v/tp