

(2024) 04 OHC CK 0213

In the Orissa High Court

Case No : Criminal Revision Petition No. 875 Of 2006

Faguna Harijan

APPELLANT

Vs

State Of Orissa

RESPONDENT

Date of Decision : 23-04-2024

Acts Referred:

Indian Penal Code, 1860 — Section 34, 325

Citation : (2024) 04 OHC CK 0213

Hon'ble Judges : Savitri Ratho, J

Bench : Single Bench

Advocate : M.R. Mishra

Final Decision : Dismissed

Judgement

Savitri Ratho, J

1. Perused the explanation given by the Registrar (Judicial) as well as the Superintendent of Criminal Section, although the explanation of the Superintendent is not satisfactory, I am inclined to take a lenient view. No further action need be taken.

2. This Criminal Revision has been filed challenging the conviction under Section 325 read with Section 34 of IPC by the learned C.J.M. -cum-Assistant Sessions Judge, Nabarangpur which has been confirmed by the learned Additional Sessions Judge, Nabarangpur in Criminal Appeal No. 34 of 2003 and sentencing them to undergo R.I. for two years each and to pay a fine of Rs.5,000/- each, in default to undergo R.I. for six months under Section 325 of the IPC with a direction to disburse the fine amount to the informant as compensation.

3. None appears for the petitioners when the matter is called.

4. Mr. M.R. Mishra, learned Addl. Standing Counsel for the State submits that the I.I.C., Maidapur Police Station under which village Maidapur is situated has informed over telephone that the petitioner no.1 Faguna Harijan, S/o. Shyam

Sundar Harijan and petitioner no.2 Durja Harijan, S/o. Falgun Harijan have expired in the meanwhile. He prays for a short adjournment in order to obtain written instructions.

5. Affidavit of the Process Server of the District Court, Nabarangpur along with the report dated 23.03.2024 of the Registrar -cum- Judge In-Charge of Process Establishment Section, District Court, Nabarangpur has been received. They revealed that the Process Server had gone to the village of the petitioners on 23.03.2024 and was informed by the neighbour and villager that the present petitioners have died.

6. Considering the said development, it is not necessary to grant any adjournment to the learned Addl. Standing Counsel to obtain written instructions.

7. On account of the death of the petitioners, nothing remains to be decided in the Criminal Revision and the same is dismissed.

8. Urgent certified copy of this order be granted on proper application.

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