
(2023) 03 RAJ CK 0032

In the Rajasthan High Court

Case No : D.B. Criminal Appeal No. 1021 Of 2002

Ghewar Chand

APPELLANT

Vs

State Of Rajasthan

RESPONDENT

Date of Decision : 10-03-2023

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 394

Citation : (2023) 03 RAJ CK 0032

Hon'ble Judges : Arun Bhansali, J;Rajendra Prakash Soni, J

Bench : Division Bench

Advocate : B.R. Bishnoi

Final Decision : Dismissed

Judgement

The matter comes up on a communication dated 01.02.2023 received from the Additional Sessions Judge, Sojat, District Pali inter-alia indicating that the appellant accused has not appeared for marking his presence in terms of directions given in D.B. Criminal Misc Suspension of Sentence Application (Appeal) No.44/2003 in D.B. Criminal Appeal No.1021/2002.

A perusal of the record indicates that on account of non-appearance of the appellant accused in January-2022, on 18.04.2022, he was summoned through bailable warrant, wherein on 05.05.2022 it was noticed that the appellant accused was suffering from hemiplegia and was unable to move or speak and, therefore, the bailable warrant was discharged and the condition imposed in the order suspending the substantive sentence dated 21.01.2003 regarding marking of the presence in the month of January each year, was waived. Whereafter, it was directed that the report regarding status of the appellant be regularly sent to this Court, which were noticed on 31.08.2022 and 16.11.2022.

Today, when the matter has come up before the Court, learned Public Prosecutor submits that appellant has died on 01.01.2023 during pendency of the present appeal and a copy of death certificate in this regard has been annexed with the

report sent by the SHO, Police Station Bagdri Nagar, District Pali.

The information in this regard is taken on record. The appeal filed by the appellant is dismissed as having abated under Section 394 Cr.P.C., 1973.