

(2010) 12 RAJ CK 0093
In the Rajasthan High Court
Case No : Criminal Appeal No. 144 of 1987

Raghunath Singh	Vs	APPELLANT
State of Rajasthan		RESPONDENT

Date of Decision : 23-12-2010

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 394

Citation : (2010) 12 RAJ CK 0093

Hon'ble Judges : Narendra Kumar Jain, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Narendra Kumar Jain, J.—This appeal was listed for hearing on 18.08.2009. Learned Counsel for Appellant submitted that Appellant is 92 years old but he is not aware whether Appellant is still alive or not. This Court directed the SHO, Police Station Deeg, District Bharatpur to inform this Court whether Appellant is alive or not.

2. SHO, Police Station Deeg, vide his report dated 24.08.2009, informed that Appellant is alive, he is about 90 years of age, he is confined to bed and is not in a position to move. He has also enclosed a copy of medical certificate issued by the Medical Officer, Primary Health Centre, Sinsini dated 24.08.2009. Thereafter, hearing of appeal could not take place for last more than one year and three months.

3. Today, learned Counsel for Appellant has moved an application u/s 394 Code of Criminal Procedure stating therein that he has received a telephonic message that Appellant has died, therefore, appeal be dismissed as abated.

4. Copy of application was supplied to learned Public Prosecutor, who was directed to confirm this fact from the concerned Police Station.

5. Learned Public Prosecutor submits that he contacted a Duty Officer, Police

Station Deeg on Mobile No. 94629-29139, who after inquiry, has informed him that Appellant Raghunath has died.

6. In these circumstances, the application u/s 394 Code of Criminal Procedure is allowed. Appeal is, accordingly, dismissed as abated.