

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

**CRA No. 130 of 2002**

M. R. Malik & Ors. **Versus** State of Chhattisgarh

|            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 15.07.2024 | <p>Mr. Akash Pandey, counsel for the appellant Nos. 1, 2, 5, 6,7, 9 and LR's of appellant No. 3.</p> <p>Mr. Manoj Mishra, counsel for the appellant No. 8.</p> <p>Mrs. Sunita Manikpuri, Dy. G.A. for the State.</p> <p>Heard on I.A. No.04/2024, application for recalling the order dated 15.09.2021.</p> <p>Mr. Akash Pandey, learned counsel submits that appellant No. 3- T.K. Chandra Bose left for heavenly abode on 14.09.2013 and he was not having any instruction from LR's of appellant No.3, therefore, no application in this regard to continue the appeal could be filed, as such, in absence of any instruction, the order dated 15.09.2021, which sought to be recalled, was passed. Learned counsel further submits that only after receiving the information from LR's of appellant No. 3 regarding the death of appellant No. 03, an application under Section 394 of Cr.P.C. could be filed. Learned counsel also submits that when the matter was listed on 15.09.2021, he could not mark his presence and also could not inform the Court about the LR's of deceased appellant No. 3. Therefore, in these circumstances, the order dated 15.09.2021 may be recalled and modified accordingly.</p> <p>Being not opposed, I.A. No. 04/2024 is allowed.</p> <p>In view of foresaid, the order dated 15.09.2021 is recalled and modified to the extend that LR's of deceased appellant No. 3 are</p> |

permitted to contest the appeal.

Let necessary amendment be incorporated in the memo of appeal within a period of seven days.

List the case thereafter before the regular Bench.

Sd/-

**(Rajani Dubey)**

JUDGE

Amit Patel