

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Appeal (DB) No. 372 of 2023

Dhiren Yadav		---	Appellant
Versus			
The State of Jharkhand		---	Respondent

CORAM: HON'BLE MR. JUSTICE SUJIT NARAYAN PRASAD
HON'BLE MR. JUSTICE SANJAY PRASAD

For the Appellant:	Mr. Indrajit Sinha, Advocate
	Mr. Akhouri Awinash Kumar, Advocate
For the State	Mr. Pankaj Kumar, Advocate

15 / 16.04.2026 So far as the issue pertaining to legality and propriety of the judgment impugned by which the convict, now deceased, the appellant herein has been convicted has died.

2. One interlocutory application although has been filed being I.A. No. 5246 of 2026 for substitution to the legal representative of the appellant.

3. Mr. Indrajit Sinha, learned counsel appearing for the appellant/applicant however has submitted that no specific prayer has been made in the instant interlocutory application said to be filed in terms of the provision of 535 of B.N.S.S. *Pari Materia* 394 of the Cr.PC for seeking a prayer for pursuing the appeal through the legal representative.

4. He, therefore, has submitted that the appeal in absence of any instruction by the legal representative to pursue the appeal may be allowed to be abated.

5. He, however, has submitted that since the appellant has died while undergoing the sentence in consequence of the order of conviction dated 16.02.2023 passed in Sessions Trial No. 273 of 2010 impugned in the instant appeal and as such, the claim of compensation requires consideration. But

the same is not available to be adjudicated under the appellate jurisdiction of the High Court, therefore, he has sought for liberty to ventilate the grievance pertaining to the compensation on account of death of the appellant while undergoing sentence by invoking the extra ordinary jurisdiction conferred to this Court under Article 226 of the Constitution of India.

6. Mr. Pankaj Kumar, learned Public Prosecutor has submitted that he has no objection to the aforesaid submission made by the learned counsel for the appellant and the issue of compensation will be decided by this Court in accordance with law.

7. This Court, after having heard the learned counsel for the parties as referred hereinabove, is of the view that the appeal is to be abated.

8. Accordingly, the appeal stands abated.

9. So far as the issue pertaining to the amount of compensation, on account of death of the appellant (Dhiren Yadav), is concerned, liberty is being granted to the legal representative to ventilate the grievance by filing appropriate application before appropriate forum for its kind consideration in accordance with law.

10. So far as the larger issue which has been taken note by this Court in the order dated 06.04.2026 which pertains to the reformatory measures to be taken in the jails having the territorial jurisdiction of the State of Jharkhand is concerned, Mr. Pankaj Kumar, learned Public Prosecutor has submitted that the affidavit is ready in this regard, the copy thereof has been served. However, due to want of the stamp, the affidavit could not have been filed. He, therefore, has sought for a week's time to file the said affidavit.

11. Accordingly, interlocutory application stands disposed of.
12. List this case on 30.04.2026.

(Sujit Narayan Prasad, J.)

(Sanjay Prasad, J.)

Date: 16.04.2026
RKM.