

HIGH COURT OF JUDICATURE FOR RAJASTHAN
JODHPUR

S.B. Criminal Appeal No. 98/2015

Amar Lal

----Appellant

Versus

State

----Respondent

For Appellant(s)	:	Mr. Rakesh Arora
For Respondent(s)	:	Mr. Mool Singh Bhati

HON'BLE MR. JUSTICE MADAN GOPAL VYAS

Order

10/07/2024

Heard learned counsel for the appellant on application (I.A. No. 01/2024) seeking substitution of legal heirs of deceased appellant- Amarlal Mathur in place of appellant.

2. Learned counsel for the appellant submits that the present criminal appeal has been preferred by the appellant against the order dated 19.01.2015 passed by the learned Special Judge (Prevention of Corruption Act), Jodhpur (hereinafter referred to as 'the learned trial Court') in Criminal Regular Case No.44/2007, whereby the learned trial Court has convicted and sentenced the appellant for the offence under Section 7 and 13(1)(d) read with Section 13(2) of Prevention of Corruption Act.

3. Learned counsel for the appellant orally submits that on account of the present proceedings and the impugned judgment of conviction and sentence, the service benefits could not be granted to the deceased appellant. However, during the pendency of the present appeal, the appellant expired on 10.04.2024 leaving behind the applicants as legal heirs. It is submitted that right to

sue in the present matter survives and therefore, legal heirs are required to be taken on record. In case, the present appeal is allowed and the impugned judgment is quashed and set aside, the service benefits would be allowed to the applicants. Therefore, it is submitted that the present application may be allowed and the applicants may be substituted as appellants in the present case.

4. Heard learned counsel for the appellant and perused the material available on record.

5. For the reasons stated in the application and in view of the arguments advanced by the learned counsel for the appellants-applicants, this Court deems it appropriate to allow the present application (I.A. No.01/2024).

6. The application is, therefore, allowed. The applicants as mentioned in Para No. 3 of the application are substituted as appellants in place of deceased appellant- Amarlal Mathur.

7. The automatic abatement of the present appeal, if any, is also set aside.

8. Amended cause-title has already been filed, the same is taken on record.

9. List the matter after four weeks.

(MADAN GOPAL VYAS),J