

Court No. - 49

Case :- CRIMINAL APPEAL No. - 1040 of 1983

Appellant :- Shitla Singh & Others

Respondent :- State Of U.P.

Counsel for Appellant :- V.C. Katiyar, Sriprakash Dwivedi

Counsel for Respondent :- A.G.A

Hon'ble Ved Prakash Vaish, J.

List revised. Case called out.

Sri Prakash Dwivedi, learned counsel for the appellant no.3 and Sri R.K. Srivastava, learned A.G.A. for the State are present.

On perusal of the file, it is revealed that the appeal is pending since 1983.

On 24.2.2015, notices were issued to the appellants.

As per office report dated 26.5.2015, appellant no.1, Shitala Singh and appellant no.2, Ram Anugrah Singh have expired and death report is on record.

A report of C.J.M., Mirzapur dated 3.4.2015 is on record. In the said report, it is stated that appellant no.1, Shitala Singh has died about 10 years ago and appellant no.2, Ram Anugrah Singh has died about 7 years ago. The said report is accompanied by statements of Gram Pradhan, Sri Rampati Maurya and Constable Vinod Kumar Maurya. In both the statements, it is mentioned that appellant no.1, Shitala Singh has died about 10 years ago and appellant no.2, Ram Anugrah Singh has died about 7 years ago. The report of C.J.M. and statements of Gram Pradhan and Constable Sri Rampati Maurya are on record.

From perusal of the report of the C.J.M. dated 3.4.2015 which is on the record of this appeal, it transpires that appellant no.1, Shitala Singh has died about 10 years ago and appellant no.2, Ram Anugrah Singh has died about 7 years ago.

Learned A.G.A. has submitted that in view of the report of C.J.M. dated 3.4.2015, this appeal is liable to be dismissed as abated in respect of the appellant no.1, Shitala Singh and appellant no.2, Ram Anugrah Singh.

In view of the submission made by learned A.G.A. and perusal of the report of C.J.M., the appeal in respect of the appellant no.1, Shitala Singh and appellant no.2, Ram Anugrah Singh is dismissed as abated.

Request for adjournment is made by learned counsel for the appellant no.3 to prepare the matter for addressing the arguments.

As requested, list this case on 10.12.2018 for hearing.

(V.P. Vaish, J.)

Order Date :- 12.11.2018

Vivek Kr.