

Court No. - 49

Case :- CRIMINAL APPEAL No. - 1091 of 1983

Appellant :- Sajiwan & Others

Respondent :- State Of U.P.

Counsel for Appellant :- R.P. Agarwal

Counsel for Respondent :- A.G.A.

Hon'ble Ved Prakash Vaish,J.

List revised. Case called out.

None present for the appellants. Sri R.K. Srivastava, learned A.G.A. for the State is present.

On perusal of the file, it is revealed that the appeal is pending since 1983. The appellants were released on bail vide order dated 5.5.1983.

As per office report dated 1.4.2015, appellant no.2, Kunwar Pal has expired and death report is on record.

A report of C.J.M., Kanpur Dehat dated 24.3.2015 is on record. In the said report, it is stated that appellant no.2, Kunwar Pal has died about 25 years ago. The said report is accompanied by statements of Sub Inspector Santosh Kumar Pandey, Village Pradhan Kitab Shree and villagers, namely, Vinod Kumar and Raju. All the aforesaid persons have stated in their statements that appellant no.2, Kunwar Pal has died about 25 years ago. The report of C.J.M. and statements of the aforesaid persons are on record.

From the perusal of the report of the C.J.M. dated 24.3.2015 which is on the record of this appeal, it transpires that appellant no.2, Kunwar Pal has died about 25 years ago.

Learned A.G.A. has submitted that in view of the report of C.J.M. dated 24.3.2015, this appeal is liable to be dismissed as abated in respect of the appellant no.2, Kunwar Pal.

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.2, Kunwar Pal is dismissed as abated.

As per office report dated 1.4.2015, notice has been served upon the appellant no.1, Sajiwan @ Ram Sajiwan.

The bail bond of the appellant no.1 is forfeited.

Issue non-bailable warrant against the appellant no.1 and notice to his sureties under Section 446 Cr.P.C. to be executed through the concerned C.J.M, returnable on 10.12.2018.

As per office report, lower court record has not been received.

Lower court record be summoned immediately.

The order passed today be communicated to the District Judge concerned through Fax, Email as well as by registered and ordinary process.

A copy of this order be also sent to SSP, Kanpur Dehat for compliance.

List this case on 10.12.2018.

(V.P. Vaish, J.)

Order Date :- 12.11.2018

Vivek Kr.