

Court No. - 68

Case :- CRIMINAL APPEAL No. - 1354 of 1985

Appellant :- Rajendra And Ors.

Respondent :- State

Counsel for Appellant :- Pt. Mohan Chandra

Counsel for Respondent :- A.G.A.

Hon'ble Rajiv Gupta,J.

No one appears to press this appeal on behalf of the appellants even in the revised call, however, learned AGA for the State is present.

Chief Judicial Magistrate, Moradabad vide letter dated 19.04.2021 has informed this Court that appellant no.2 Gulab had already expired on 17.11.2015. In verification of his death, statement of Raj Kumar, son of Rajendra Singh and grandson of deceased Gulab has been recorded. Death certificate issued by Gram Pradhan Veer Vati has been annexed. The police report by SI Raj Kumar Gautam, Police Station Baniyather, District Sambhal has also been annexed.

In view of the above, since appellant no.2 Gulab had already expired, this criminal appeal qua appellant no.2 is **dismissed as abated.**

Issue bailable warrant against the appellant no.1 Rajendra through Chief Judicial Magistrate, Moradabad returnable within two weeks.

In case, appellant no.1 Rajendra appears before the court below and applies for bail, he may be released on bail on furnishing a personal bond of Rs. 25,000/- and two sureties each in the like amount to the satisfaction of Chief Judicial Magistrate, Moradabad on an undertaking that he will appear before this Court either personally or through counsel on the next date fixed.

List on 06.09.2022.

Office to send a letter to the Chief Judicial Magistrate, Moradabad to remit the lower court record, positively by the next date fixed.

Order Date :- 17.8.2022

Nadim