

Court No. - 49

Case :- CRIMINAL APPEAL No. - 2516 of 1984

Appellant :- Sheo Raj And Others

Respondent :- State Of U.P.

Counsel for Appellant :- Tapan

Ghosh,K.K.Dwivedi,R.P.Dwivedi,R.S.Sengar,S.K. Rai

Counsel for Respondent :- A.G.A.

Hon'ble Ved Prakash Vaish,J.

List revised. Case called out.

None present for the appellants. Mr. Sanjay Sharma, learned A.G.A. for the State is present.

On perusal of file, it is revealed that the appeal is pending since 1984.

As per office report, the appellant No.3, Hukum Singh and the appellant no.4, Onkar Singh have died. The said report is accompanied by the report of C.J.M., Meerut dated 27.3.2015. The report of C.J.M., Meerut is supported by the statements of Sub Inspector, Sukhbir Singh, P.S.-Rohta, District Meerut, Smt. Kaushal, Gram Pradhan, Village-Rasoolpur Jahid and Yatendra Pal Singh, nephew of the appellant no.3, Hukum Singh and brother of the appellant no.4, Onkar Singh. In their statements, all the aforesaid persons have stated that the appellant No.3, Hukum Singh and the appellant no.4, Onkar Singh have died about 12 and 20 years ago respectively.

From perusal of the report of C.J.M., Meerut accompanied by the statements of the aforesaid persons, it appears that the appellant No.3, Hukum Singh and the appellant no.4, Onkar Singh have died about 12 and 20 years ago respectively.

Learned A.G.A. has submitted that in view of report of C.J.M., Meerut dated 27.3.2015, the appellant No.3, Hukum Singh and the appellant no.4, Onkar Singh have died about 12 and 20 years ago and the appeal in respect of the appellant No.3, Hukum Singh and the appellant no.4, Onkar Singh is liable to be dismissed as abated.

In view of the submission made by learned A.G.A. and on perusal of the report of C.J.M., Meerut, this appeal in respect of the appellant No.3, Hukum Singh and the appellant no.4, Onkar Singh is **dismissed** as having been abated.

As per office report, notice has been served upon appellant no.1, Sheo Raj and appellant no.2, Nau Raj. But no-one has appeared on behalf of the appellant nos.1 and 2.

Issue non-bailable warrant against the appellant nos.1 and 2 and notice to their sureties under Section 446 Cr.P.C. to be executed through the concerned C.J.M., Meerut, returnable on 4.1.2019.

Lower court record be summoned immediately.

The order passed today be communicated to the District Judge

concerned through Fax/E-mail as well as by registered and ordinary process.

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

List this case on **4.1.2019**.

(V.P. Vaish, J.)

Order Date :- 20.11.2018

Savita