



2026:AHC:103856

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 2958 of 1984

Tulsi Ram

.....Appellant(s)

Versus

Shri Raja Ram And Others

.....Respondent(s)

Counsel for Appellant(s)	:	C.P.Singh, L.P.Singh
Counsel for Respondent(s)	:	A.G.A., Shive Datta Yadav

Court No. - 93

HON'BLE MRS. VANI RANJAN AGRAWAL, J.

1. The present criminal appeal has been preferred by the appellant Tulsi Ram against the judgment and order of acquittal dated 13.9.1982 passed Crime Case No.1008 of 1980 in respect of offences punishable under Sections 379 and 147 of the I.P.C., Police Station- Kakwah, District- Kanpur
2. The record reveals that the appeal has remained pending for an inordinately long period of about four decades. During this prolong period pendency, there has been no effective representation or prosecution of the appeal on behalf of the appellant.
3. Today, learned A.G.A. for the State and learned counsel for the respondent are present. However, none appeared on behalf of the appellant. As per office report dated 05.05.2026 based on the report submitted by the Chief Judicial Magistrate, Kanpur Nagar, dated 10.04.2026, it has been brought on record that the appellant Tulsi Ram expired approximately 20 years ago.
4. It is further evidence from the record that after the death of the appellant, no application for substitution of legal representatives has been filed. The legal heirs have neither shown any interest in prosecuting the evidence, nor taken any steps for nearly two decades.
5. The legal position in this regard is well settled. In **Ashwin Nanubhai Vyas Vs. State of Maharashtra, AIR 1967 SC 983**, the Hon'ble Supreme Court held that a criminal appeal particularly, one arising out of a complaint does not survive after the death of the appellant unless the statute specially provides otherwise or the legal representatives seeks continuation in accordance with law.
6. Further, in **State of Andhra Pradesh v. S. Narsimha Kumar, 2006 (5) SCC 683**, the Hon'ble Supreme Court reiterated that where no steps are taken by the legal representatives within a reasonable time, the proceedings

cannot be kept pending indefinitely and are liable to be treated as abated.

7. Similarly in the **Ramesan (Dead) Through Lr. Girija A vs The State Of Kerala, 2020 3 SCC 45**, the Hon'ble Supreme Court emphasized that prolong in action and failure to substitute legal heirs would result in abatement of proceedings and courts are not expected to keep the matter pending endlessly.

8. In the present case, not only did the appellant expire about two decades ago but there has also been complete inaction on the part of his legal representatives. No substitution application has been filed, nor has any explanation been offered for such prolonged silence.

9. In view of the settled legal principles and the peculiar facts of this case, this Court finds no justification to keep the appeal pending any further.

10. Accordingly, the appeal stands **dismissed** as abated due to the death of the appellant and failure of the legal representatives to come on record within a reasonable time.

May 6, 2026

P. Pandey

(Mrs. Vani Ranjan Agrawal,J.)