

Court No. - 49

Case :- CRIMINAL APPEAL No. - 2686 of 1987

Appellant :- Ramautar And Others

Respondent :- State Of U.P.

Counsel for Appellant :- S.N. Srivastava, Shashank Dwivedi

Counsel for Respondent :- A.G.A.

Hon'ble Ved Prakash Vaish, J.

List revised. Case called out.

None present for the appellants. Learned A.G.A. for the State is present.

On perusal of file, it is revealed that the appeal is pending since 1987.

As per office report dated 14.11.2018, the appellant no.2, Ram Saran, appellant no. 3 Vimlesh and appellant no. 6 Kishore have died. The said report is accompanied by the report of C.J.M., Farrukhabad dated 15.3.2018. The report of C.J.M., Farrukhabad is supported by the statements of S.I. Sanjay Singh, Police Station Mohammadabad, District Farrukhabad and Shiv Singh, Corporator, Ward No. 14, Lohia Nagar, N.P. Mohammadabad, District Farrukhabad. They have stated in their statement that appellant no.2, Ram Saran, appellant no. 3 Vimlesh and appellant no. 6 Kishore had died.

From perusal of the report of C.J.M. Farrukhabad dated 15.3.2018 accompanied by the statements of all the aforesaid witnesses, it transpires that appellant no.2, Ram Saran, appellant no. 3 Vimlesh and appellant no. 6 Kishore have died.

Learned A.G.A. has submitted that in view of report of C.J.M., Farrukhabad dated 15.3.2018, the appeal is liable to be dismissed as abated in respect of appellant no.2, Ram Saran, appellant no. 3 Vimlesh and appellant no. 6 Kishore only.

In view of the submission made by learned A.G.A. and on perusal of the report of C.J.M., Farrukhabad, this appeal in respect of appellant no.2, Ram Saran, appellant no. 3 Vimlesh and appellant no. 6 Kishore have died and the appeal in respect of appellant no.2, Ram Saran, appellant no. 3 Vimlesh and appellant no. 6 Kishore is dismissed as having been abated.

The bail-bonds of the appellant no.1, Ramautar, appellant no. 4, Ramvir and appellant no. 5, Saraman are forfeited.

Office is directed to issue non-bailable warrants against the appellant no.1, Ramautar, appellant no. 4, Ramvir and appellant no. 5, Saraman and notice to their sureties on the basis of bail-bonds available in the lower court record. If the bail bonds are not available in the lower court record, non-bailable warrants against them to be executed through the concerned C.J.M., Farrukhabad, returnable on 7.1.2019.

A copy of this order be also sent to S.S.P. Farrukhabad for compliance.

List this case on 7.1.2019.

(V.P. Vaish, J.)

Order Date :- 22.11.2018

SU.