

Court No. - 72

Case :- CRIMINAL APPEAL No. - 3063 of 1985

Appellant :- Ram Yan

Respondent :- State

Counsel for Appellant :- K.S. Kushwaha, Brijesh Kumar Singh, Rajjan Singh

Counsel for Respondent :- Dga

Hon'ble Mohd. Aslam, J.

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

Perused the office report dated 08.08.2022 which states that as per the report of Chief Judicial Magistrate, Ghazipur dated 29.11.2021, notice has been served upon appellant no.2 Vindhayachall Chaubey and appellant no.3 Durga Chaubey. It is further reported that appellant no.1 Ramayan and appellant no.4 Girdhar Chaubey have died.

Regarding death of appellant nos. 1 & 4, learned Magistrate has made detailed enquiry and recorded the statements of S.I. Ajeet Kumar Pandey, Serving Officer, P.S. Suhwal, District- Ghazipur, Durga Chaubey son of appellant no.1, Vindhayachall Chaubey elder brother of appellant no.4, Santosh Kumar, Village Pradhan, which are available on record. The death certificates of appellant nos. 1 & 4 dated 25.11.2021 issued by Village Pradhan has also been annexed along with the report.

In the light of aforesaid, it is proved that appellant no.1 Ramayan and appellant no.4 Girdhar Chaubey have died.

Accordingly, the appeal in respect of appellant nos. 1 & 4 stands abated.

Let bailable warrants be issued against the appellant no.2 Vindhayachall Chaubey and appellant no.3 Durga Chaubey through C.J.M. concerned and in case the appellants surrender/arrested and brought before the court concerned, they shall be released on bail on each of them furnishing a personal bond of Rs.25,000/- and two sureties each in the like amount to the satisfaction of the court concerned with an undertaking that they shall remain present before this Court in person or through counsel on the next date fixed. Learned Chief Judicial Magistrate shall submit a report and transmit photocopy of the bail bonds to this Court for being kept it on record, within four weeks.

Let a copy of this order be communicated to the lower court concerned forthwith for compliance.

List this case on 13.09.2022.

Order Date :- 10.8.2022

Vikas