

**Court No. - 49**

**Case :-** CRIMINAL APPEAL No. - 3208 of 1985

**Appellant :-** Alimuddin & Others

**Respondent :-** State Of U.P.

**Counsel for Appellant :-** A.G.A., Amod Tripathi

**Counsel for Respondent :-** Y.S. Bohra

**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 1985 and the appeal was filed by three appellants namely, Alimuddin, Islam and Raisullah respectively. The appellants were admitted to bail on 2.12.1985.

As per office report dated 31.10.2018, appellant no.3, Raisullah has died about 20 years ago.

From perusal of the report of C.J.M., Meerut dated 26.7.2018 which is on record of this appeal, it transpires that as per statement of Sub-Inspector Vijay Pratap, Rizwan and Imran, sons of appellant no.3, the appellant no.3, Raisullah had died.

Learned A.G.A. has submitted that in view of report of C.J.M., Meerut dated 26.7.2018, the appeal in respect of appellant no.3, Raisullah is liable to be 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 appellant no.3, Raisullah is **dismissed** as having been abated.

As per office report, lower court record has not been received.

Issue non-bailable warrant against the appellant no. 1, Alimuddin and appellant no. 2, Islam and notice to their sureties under Section 446 Cr.P.C. to be served through the concerned C.J.M., Meerut, returnable on 17.12.2018.

Lower court record be summoned immediately.

The order passed today be communicated to the District Judge concerned through Fax, Email 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 **17.12.2018**.

**(Ved Prakash Vaish, J.)**

**Order Date :-** 1.11.2018

Savita