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Cr1.A.No. 1138 OF 1999
ITEM NO.108

COURT NO.11

SECTION II

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

CRIMINAL APPEAL NO. 1138 OF 1999

DAYANAND

Appellant (s)

VERSUS

STATE (NCT OF DELHI)

Respondent(s)

Date: 14/10/2004 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARIJIT PASAYAT
HON'BLE MR. JUSTICE C.K. THAKKER

For Appellant(s) Mr. Suchit Mohanty,Adv.
Ms. Indra Sawhney,Adv.

For Respondent(s) Mr. S. Wasim A. Qadri,Adv.
Mrs. Anil Katiyar,Adv.
Ms. Sushma Suri,Adv.

UPON hearing counsel the Court made the following
O R D E R

The appeal abates on account of the death of the
appellant and is, accordingly, disposed of in terms of the
signed order.

(Neena Verma) (Vijay Dhawan)
Court Master Court Master

Signed order is placed on the file.
IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.1138 OF 1999

Dayanand
...Appellant

Versus

State (NCT) of Delhi
...Respondent

O R D E R

In this appeal, Dayanand, who faced trial along with six others was convicted by the Trial Court under Section 302 read with Section 34 of the Indian Penal Code, 1860 (in short the 'IPC').

Appeals were filed by the accused persons before the High Court of Delhi. So far as Dayanand is concerned, the High Court felt that he was responsible for his individual act of having caused injury to PW-2, Smt. Ram Rati and was therefore convicted under Section 323 IPC. His conviction under Section 302 read with Section 34 IPC was set aside and he was convicted

under Section 323 IPC. It appears from the order of the High Court that no sentence was indicated so far as he is concerned. It is brought to our notice that subsequent to the filing of the appeal, Dayanand has died on 01.07.2000. The appeal abates on account of the death of the appellant and is, accordingly, disposed of.

.....J.

(ARIJIT PASAYAT)

.....J.

(C.K. THAKKER)

New Delhi,
October 14, 2004.