

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.1394 OF 2008

MOHAMMED SHAMSHUDDIN ALI (DEAD) ..APPELLANT(S)

VERSUS

STATE OF MADHYA PRADESH ..RESPONDENT(S)

O R D E R

1. This appeal is directed against the judgment and order passed by the High Court of Madhya Pradesh at Jabalpur in Criminal Appeal No.391 of 1990, dated 28.08.2006.

2. Heard learned counsel for the parties to the *lis*.

3. We are informed by learned counsel appearing for the appellant/ accused that the appellant has expired some time in the year 2011 and the legal representatives of the deceased-appellant have not yet filed the application for substitution to come on record. It is only now the learned counsel seeks to make an application to bring the legal representatives of the deceased-appellant on record.

4. In our view, the explanation offered for filing such an application as also for condonation of delay is

wholly unsatisfactory. We, therefore, do not intend to accept the explanation offered by the learned counsel for the deceased-appellant for bringing the legal representatives of the deceased-appellant on record.

5. Since the appellant- Mohammed Shamsuddin Ali has expired during the pendency of the appeal, the appeal stands abated.

6. However, it is clarified that the conviction of the deceased-appellant should not be treated as a stigma on the family members of the deceased-appellant either by any person or the society.

Ordered accordingly.

.....CJI
(H.L. DATTU)

.....J.
(V. GOPALA GOWDA)

.....J.
(AMITAVA ROY)

NEW DELHI,
AUGUST 25, 2015.

