

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL
ABATMENT APPLICATION NO. 745/2007
IN
GOVERNMENT APPEAL NO.456 of 2007

State of Uttaranchal

..... Appellant

Versus

Jakir S/o Sri Latif
R/o Village Karanja P.S. Laksar,
District Haridwar.

..... Respondent

Dated: December 31, 2007

Sri M.A. Khan, learned brief holder for the State/appellant.

Sri Pramod Tiwari holding brief of Sri Rajendra Singh, learned counsel for the respondent.

HON. DHARAM VEER, J.

This appeal preferred, under Section 378(1) of The Code of Criminal Procedure, 1973 (*hereinafter to be referred as Cr.P.C.*), is directed against the judgment and order dated 15.10.2003 passed by District & Sessions Judge, Haridwar whereby, the learned District & Sessions Judge, Haridwar has acquitted the appellant under section 25 Arms Act.

2. The counsel for the respondent has filed an application supported by the affidavit of Saheran, who is the son of respondent Jakir. In para 3 of the said affidavit, it has been stated that respondent namely Jakir was assaulted on 5.11.2007 and on 6.11.2007 he died in the hospital. It has also been stated that regarding this incident, a FIR was also lodged at P.S. Laksar against Parvez @ Bittu.

3. Sri M.A. Khan, learned brief holder for the State/appellant has also stated that he has received the report from the Police Station, Laksar that the respondent was murdered and he is not alive and a report has also been lodged in P.S. Laksar against Parvez @ Bittu. Hence, Sri M.A. Khan, learned

brief holder for the State/appellant and Sri Pramod Tiwari holding brief of Sri Rajendra Singh, learned counsel for the respondent, both have given the joint statements at bar that since the respondent has been murdered and died, the FIR has also been lodged in Police Station, Laksar. Therefore, the appeal against the sole respondent Jakir stands abated.

4. In view of the above, the appeal stands abated.

(Dharam Veer, J.)

Dated: December 31, 2007

Arti