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IN THE HONOURABLE HIGH COURT OF JUDICATURE OF CHHATTISGARH
AT BILASPUR.

CRIMINAL APPEAL NO. 234/2002.

CRIMINAL APPEAL UNDER SECTION 374(2) OF THE CODE OF CRIMINAL
PROCEDURE

APPELLANT

: Badri Prasad Gupta ,Son of Sukhanandan
Gupta, age 40 years, R/O Ghatpadnur,
P.S. Parpa, Distt. Bastar (C.G).

VERSUS

RESPONDENT

: The State of Chhattisgarh,
Through P.S. "S.C.S.T. Welfare"
Jagdalpur Distt. Bastar (C.G).

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Shri. Anil Sae

Advocate

R. to D.R. (J)



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Cr. Appeal No.234/2002

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HIGH COURT OF CHHATTISGARH AT BILASPUR

SB:- Hon'ble Shri Justice Chandra Bhushan Bajpai

Criminal Appeal No. 234 of 2002

APPELLANT:

Badri Prasad Gupta

Versus

RESPONDENT:

The State of Chhattisgarh

(Criminal Appeal under Section 374 (2) of The Code of Criminal Procedure)

Present:

Shri R.N.Jha, counsel for the appellant.

Shri Basant Kaiwartya, Panel Lawyer for the State/respondent.

JUDGMENT

(30-06-2014)

1. This case is listed for 02-07-2014 as the bailable warrant for Rs.5000/- was issued against the appellant since nobody appeared on his behalf on 15-05-2014 before this Court.
2. A communication sent by the trial Court, Special Judge (Atrocities), Bastar at Jagdalpur dated 14-01-2005 perused for reference, which is already in the file.
3. Perused the above communication. As per memo No.11/बि.न्या./2005, जगदलपुर, दिनांक -14/01/2005, the trial Court communicated this Registry that the appellant lastly appeared before the trial Court on 30/6/2004 and thereafter he had not appeared on the next date i.e. 21/12/2004 since he died on 24/9/2004 and also that death of appellant Badri Prasad was verified in writing by Police Station Frajarpur (Parpa), Bastar.



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4. As per the aforesaid official communication, the sole appellant has died on 24/9/2004. No any application for contesting this appeal by legal heir of the appellant is filed before this Court.

5. In view of above, on account of the facts that the sole appellant has died as per the official communication sent by the trial Court and received by this Court, and no application is filed before this Court for contesting this appeal by legal heir of the appellant, the appeal filed by the appellant stands abated. Even otherwise, from the perusal of the evidence and judgment of the trial Court, I do not see any infirmity and illegality in the judgment of conviction recorded and order of sentence passed by the trial Court against the appellant. With such assessment, I affirm the judgment of conviction and order of sentence dated 15-02-2002 passed by Special Judge under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, Bastar at Jagdalpur in Sessions Trial No.493/2001 against the appellant.

6. Accordingly, the appeal, being abated and devoid of merit, is hereby dismissed, as indicated above.

Sd/-
C.B. Bajpai
Judge