

IN THE HIGH COURT OF JHARKHAND AT RANCHI

Criminal Revision No.474 of 2003

S.P Pandey and Others **Petitioners**
Versus
The State of Jharkhand **Opposite Party**

CORAM: HON'BLE MRS. JUSTICE ANUBHA RAWAT CHOUDHARY

Through Video Conferencing

08/07.09.2021 Learned counsel for the petitioners Mr. Niranjn Singh is present.

2. Learned counsel for the petitioners submits that as per his knowledge, petitioner nos.1, 3, 4, 5, 7 and 11 have expired and the information regarding the same have been brought on record by filing different interlocutory applications. So far as the death of petitioner nos.5 and 7 are concerned, the same was taken up on 23.10.2019 and pursuant to which an affidavit have been filed by the State confirming that petitioner nos.5 and 7 have expired. So far as other petitioners i.e., petitioner nos.1, 3, 4 and 11 are concerned, different interlocutory applications in connection with their death were filed before this court being I.A. No.1000 of 2017, I.A. No.4088 of 2015, I.A. No.4089 of 2015 and I.A. No.4090 of 2015 which were rejected as not pressed vide order dated 03.09.2019 as nobody had turned up on behalf of the petitioners on that day. Learned counsel submits that the fact remains that the petitioner nos.1, 3, 4 and 11 have expired and this fact has already been brought on record. He submits that another petitioner i.e., petitioner no.6 Krishna Singh, son of late Hardeo Singh, who is also resident of Hirapur police station, District - Dhanbad, has also expired, but no petition as such has been filed in connection with death of petitioner no.6.

3. Learned counsel submits that a report may be called for from the concerned police station regarding death or otherwise of petitioner nos.1, 3, 4, 6 and 11 before proceeding further in the matter. He submits that so far as petitioner nos.5 and 7 are concerned, their death has been confirmed and the fine amount

involved in the present case was already deposited by them which is apparent from Annexure - 1 of the present petitions. Learned counsel submits that interlocutory application in connection with petitioner nos.5 and 7 was filed indicating that the proceeding has abated so far as these two petitioners are concerned.

4. Learned counsel appearing on behalf of the State has submitted that as the fine amount has been deposited, the proceeding, so far as petitioner nos.5 and 7 are concerned, stands abated and accordingly, appropriate order may be passed.

5. So far as other petitioners i.e., petitioner nos.1, 3, 4, 6 and 11 are concerned, he shall seek instruction and file appropriate affidavit before this Court after verifying their death or otherwise through the concerned police station. Learned counsel for the State has also submitted that he does not have a copy of the brief and prays for a soft copy of the same.

6. After hearing the learned counsel for the parties and considering the facts and circumstances I.A. No.9959 of 2019 which is relating to death of petitioner no.5 and I.A. No.9958 of 2019 which is relating to death of petitioner no.7, are hereby allowed and the present petition with respect to petitioner nos.5 and 7 is treated as abated.

7. Learned counsel for the State is directed to seek instruction and file appropriate affidavit of the Officer-in-Charge of the concerned police station or any person authorized on his behalf after verifying death or otherwise of petitioner nos.1, 3, 4, 6 and 11. The affidavit should be filed latest by 28th September, 2021.

8. Office is directed to forward a soft copy of the brief along with its enclosures to the learned counsel appearing on behalf of the State Mr. Sardhu Mahto.

9. Post this case on 5th October, 2021 under the heading for 'Orders'.

(Anubha Rawat Choudhary, J.)

Saurav/