

IN THE HIGH COURT OF JHARKHAND AT RANCHI

(Criminal Appellate Jurisdiction)

Criminal Appeal (DB) No. 681 of 2013

Somar Kumhar, r/o village-Purhara Barisal, PS-Barhi, District-Hazaribag
... **Appellant**

Versus

The State of Jharkhand

... **Respondent**

(Through V.C)

**CORAM: HON'BLE MR. JUSTICE SHREE CHANDRASHEKHAR
HON'BLE MR. JUSTICE RATNAKER BHENGRA**

For the Appellant : None

For the State : None

Order No. 12/Dated: 20th April, 2021

On 13.04.2021 following order was passed by this Court:

“No one appears for the appellants in Criminal Appeal (DB) No. 681 of 2013 and Criminal Appeal (DB) No. 610 of 2012.

Mr. Sanjay Kumar Srivastava, the learned APP states that in the custody report received by him it is indicated that the appellant, namely, Somar Kumhar in Criminal Appeal (DB) No. 681 of 2013 has passed away.

In Criminal Appeal (DB) No. 755 of 2012 Mr. Shree Nivas Roy, the learned counsel appears for the appellants and seeks adjournment.

The learned counsel states that all the appellants are on bail.

The learned counsel for the appellants in Criminal Appeal (DB) No. 755 of 2012 shall bring on record present residential address of the appellants.

In Criminal Appeal (DB) No. 681 of 2013, the learned APP shall file necessary affidavit.

In Criminal Appeal (DB) No. 610 of 2012, reserving a right with the appellants to engage a counsel of their choice, Mr. Ajit Kumar, the learned counsel is appointed as Amicus to argue this criminal appeal on behalf of the appellants.

The Registry shall provide Mr. Ajit Kumar, the learned Amicus, necessary documents, as required by him.

The Secretary, Jharkhand High Court Legal Services Committee shall reimburse the learned Amicus on submission of bill(s).

Post the Criminal Appeal (DB) No. 681 of 2013 on 20.04.2021 under the heading “Orders”.

Criminal Appeal (DB) No. 610 of 2012 and Criminal Appeal (DB) No. 755 of 2012 shall be listed under the heading “Orders” on 05.05.2021.

In the meantime, Mr. Shree Nivas Roy, the learned counsel and Mr. Ajit Kumar, the learned Amicus shall

prepare and file short synopsis and list of dates.

Let a copy of the order be given to the learned APP, the learned Amicus and the Secretary, Jharkhand High Court Legal Services Committee, for compliance.”

A counter-affidavit sworn on 17.04.2021 has been filed by the State. This affidavit has been sworn by Suman Minz who is posted as Sub-Inspector of Police at Barhi Police Station.

In the affidavit dated 17.04.2021, it is stated that in course of verification about whereabouts of Somar Kumhar it was found that in course of his treatment he had passed away on 24.09.2016 at Sadar Hospital, Sheikh Bhikari Medical College, Hazaribag.

The State has produced a certificate dated 15.04.2021 issued by *Mukhiya* of Gram Panchayat at Bhandro vide Annexure-A to the counter-affidavit.

The Jail Superintendent, Hazaribag has also certified in his letter dated 05.04.2021 that Somar Kumhar died on 24.09.2016 in course of his treatment at Sadar Hospital. A copy of the letter dated 05.04.2021 from the Jail Superintendent has been produced vide Annexure-B.

There is no representation on behalf of the legal heirs and successors of Somar Kumhar seeking their substitution in his place in this criminal appeal to challenge the judgment of his conviction.

On the last date of hearing the learned APP had informed the Court about death of Somar Kumhar, the appellant.

In view of the aforesaid facts and circumstances in the case, Criminal Appeal (DB) No. 681 of 2013 is dismissed as not pressed.

Let a copy of the order be sent to the Court concerned through FAX.

(Shree Chandrashekhar, J.)

(Ratnaker Bhengra, J.)