

Ani @ Anilkumar vs State of Kerala

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Court : Kerala

Decided On : Jan-31-2024

Judge : Honourable Mr.Justice P.G. Ajithkumar

Appeal No. : CRL.A/1720/2008

Appellant : Ani @ Anilkumar

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE P.G. AJITHKUMAR
WEDNESDAY, THE 31ST DAY OF JANUARY 2024 / 11TH MAGHA,
1945 CRL.APPEAL NO. 1720 OF 2008 AGAINST THE JUDGMENT
DATED 11.08.2008 IN SC 287/2007 OF ADDITIONAL SESSIONS
COURT (ADHOC), KOTTAYAM

APPELLANT/ACCUSED: ANI @ ANILKUMAR, S/O VIJAYAN,
KOOMBEL VEEDU, MURINJAPUZHA BHAVAN, CHEMBUKARA,
CHEMBU VILLAGE, VAIKOM. BY ADV SRI.SOORAJ T.ELENJICKAL
RESPONDENT/COMPLAINANT: STATE OF KERALA
SUPERINTENDENT OF POLICE, PALA REPRESENTED BY, PUBLIC

PROSECUTOR, HIGH COURT OF KERALA. SMT.SEENA C., PUBLIC PROSECUTOR THIS CRIMINAL APPEAL HAVING COME UP FOR FINAL HEARING ON 31.01.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.G. AJITHKUMAR, J.

Dated this the 31st day of January, 2024

JUDGMENT

This is an appeal filed under Section 374(2) of the Code of Criminal Procedure, 1973.

2. The appellant challenges his conviction and

sentence by the Additional Sessions Judge (Adhoc-I), Kottayam in S.C.No.287 of 2007. He was convicted for the offence under Section 304 (Part I) of the Indian Penal Code, 1860 and sentenced to undergo rigorous imprisonment for a period of eight years and to pay a fine of Rs.2 lakhs.

3. When this matter is taken up for consideration

today, the learned Public Prosecutor placed on record the report of the Station House Officer producing therewith a copy of the death certificate of the appellant. The appellant expired on 18.09.2015. Since, no legal heirs or no person having interest in the estate of the appellant has come forward to prosecute the appeal, the appeal stands abated, although, fine forms part of the sentence. In the circumstances, this appeal is dismissed as abated. The records will be consigned to the record room in terms of the law laid down in Pazhani v. State of Kerala [2017(1) KLT 341]. Sd/- P.G. AJITHKUMAR, JUDGE dkr

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