

Kesavan, vs State of Kerala

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Court : Kerala

Decided On : Oct-30-2020

Judge : Honourable Mr. Justice P.V.Kunhikrishnan

Appeal No. : CRL.A/2070/2005

Appellant : Kesavan,

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN
FRIDAY, THE 30TH DAY OF OCTOBER 2020 / 8TH KARTHIKA, 1942
CRL.A.No.2070 OF 2005 AGAINST THE JUDGMENT IN SC 583/2000
DATED 26-11-2005 OF ADDITIONAL SESSIONS JUDGE-I,
MAVELIKKARA APPELLANT/ACCUSED: KESAVAN, AGED 58 YEARS
S/O.VELAYUDHAN, THUNDITHARAYIL VEEDU, PUTHUPPALLY
SOUTH MURI, DEVIKULANGARA PANCHAYATH, WARD V,
PUTHUPALLY VILLAGE. BY ADVS. SRI.R.REJI SMT.SHIVA RAJA
RESHMI RESPONDENT/COMPLAINANT: STATE OF KERALA REP.
BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM, REPRESENTING THE DEPUTY SUPERINTENDENT OF

POLICE, NARCOTIC CELL, ALAPPUZHA R1 BY SR.PUBLIC PROSECUTOR K.B.UDAYAKUMAR THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON 30.10.2020, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: CRL.A.No.2070 OF 2005 2

JUDGMENT

Dated this the 30th day of October 2020 When this appeal came up for consideration on 30.9.2020 this Court passed the following order:

The learned Public Prosecutor will instruct the Deputy Superintendent of Police, Narcotic Cell, Alappuzha to give a notice to the appellant in this case, informing that the appeal is posted for final hearing to 20.10.2020. The officer will file a statement before this Court within ten days after giving notice to the appellant. Post on 20.10.2020. The Registry will issue a copy of this

order to the learned Public Prosecutor.

2. Today, the Deputy Superintendent of Police, Narcotic Cell,

Alappuzha submitted a report, in which it is stated that the appellant is no more and he died on 24.1.2019. Therefore, the appeal is abated as far as the sentence of imprisonment is concerned. As far as the fine amount is concerned, the registry will do the needful as per the

judgment of the Full Bench in Pazhani v. State of Kerala (2017(1)

KLT 341). The report and the copy of the death certificate produced by the Prosecutor will be the part of the record. Therefore, this Criminal Appeal is abated, as far as the sentence of imprisonment is concerned. Sd/- P.V.KUNHIKRISHNAN
JUDGE ab