

J Chandanmal vs State by

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SooperKanoon Citation : sooperkanoon.com/1921167

Court : Karnataka

Decided On : Jan-10-2024

Judge : J.M.Khazi

Appeal No. : CRL.A/985/2020

Appellant : J Chandanmal

Respondent : State by

Judgement :

-1-

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 10TH DAY OF JANUARY, 2024 BEFORE THE HON'BLE MS JUSTICE J.M.KHAZI CRIMINAL APPEAL NO.985 OF 2020 BETWEEN: J CHANDANMAL, AGED ABOUT 79 YEARS, S/O LATE JAWAHARMAL, NO.1, FLAT NO.152, 15TH FLOOR, PEBBLEBAY, 1ST MAIN ROAD, DOLLAR COLONY, BENGALURU -560 094. APPELLANT (BY SRI.MANJUNATH B S, ADVOCATE) AND:

1. STATE BY VIDYARNAYAPURA PS REPRE BY SPP, HIGH COURT OF KARNATAKA, BENGALURU - 560 001 Digitally

Karnataka KODIGEHALI, SAHAKARANAGAR POST, BENGALURU - 560 092. RESPONDENTS (BY SMT.WAHEEDA N M., HCGP FOR R1; SRI.N.DINESH RAO, ADVOCATE FOR R2) THIS CRIMINAL APPEAL IS FILED UNDER SECTION 378(4) OF CR.P.C PRAYING TO SET ASIDE THE JUDGMENT OF ACQUITTAL DATED 19.07.2019 IN C.C.NO.13258/2012 PASSED BY THE IV ADDITIONAL CHIEF METROPOLITAN MAGISTRATE, -2- BENGALURU AND REMAND THE MATTER TO THE TRIAL COURT FOR CONSIDERING AFRESH IN THE INTEREST OF JUSTICE. THIS APPEAL, COMING ON FOR ORDERS, THIS DAY, THE COURT DELIVERED THE FOLLOWING:

JUDGMENT

Learned counsel for the appellant has filed a memo reporting the death of respondent No.2 on 15.01.2023. A copy of death certificate is also produced. The aforesaid memo and death certificate are placed on record. This appeal is filed by the complainant challenging the judgment and order of acquittal of the respondent No.2/accused for the offence punishable under Section 468, 471 and 420 of IPC. In view of the death of respondent No.2, appeal against respondent No.2 abates. Respondent No.1 is State. Hence, entire the appeal is abates. -3- In view of the above, all the pending I.A.s., do not survive for consideration. Accordingly, the same are disposed of. Sd/- JUDGE ASN List No.: 1 SI No.: 36