

(1981) 05 P&amp;H CK 0001

**High Court Of Punjab And Haryana At Chandigarh****Case No:** Criminal Revision No. 26 of 1979

Amar Singh

APPELLANT

Vs

The State of Punjab

RESPONDENT

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**Date of Decision:** May 6, 1981**Acts Referred:**

- Penal Code, 1860 (IPC) - Section 407, 419

**Hon'ble Judges:** M.M. Punchhi, J**Bench:** Single Bench**Advocate:** Bhopinder Singh Bindra, for the Appellant; D.N. Rampal, A.G. Pb., for the Respondent**Final Decision:** Dismissed

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**Judgement**

M.M. Punchhi, J.

These two criminal Revision Petitions No. 26 and 31 of 1979 preferred by Amar Singh and Nahar Singh respectively, are against the appellate judgment and order of the learned Additional Sessions Judge, Amritsar, to challenge their convictions respectively under Sections 407/109 and 419/407 of the Indian Penal Code. The sentence imposed on them was of rigorous imprisonment as also for payment of fine.

2. Mr. B.S. Bindra, appearing in the petitions, informs me that Amar Singh petitioner died on September 8, 1980. A certificate signifying that fact has been placed on the file. He similarly informs me that as told to him by the son of the aforesaid Amar Singh deceased, even Nahar Singh petitioner has died as he reportedly met with an accident. Thus, the Learned Counsel, bereft of any instructions, cannot further these petitions.

3. Had these been appeals, they would have merited dismissal on abatement u/s 394 of the Code of Criminal procedure. The relief sought from this Court u/s 401 of the Code of Criminal Procedure is, requiring it to exercise any of the powers

concerned on a Court of Appeal, more so, u/s 386 of the Code Criminal Procedure, seeking reversal of the finding and sentence (sic) for acquitting the accused-petitioners. Thus, the abatement (sic) applicable to the appeals will apply to revision petitions also for (sic) reliefs sought in the petitions. No one has come forward to propose these revision petitions within 30 days of the death of the petitioners in accordance with the proviso to sub-section (2) of section 394 of the Code of Criminal Procedure. There is thus no course left but to dismiss both the petitions for the view above taken. Ordered accordingly.