



201 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRA-S-1215-SB-2005
Date of decision: 23.05.2025

Madan LalAppellant

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. B.S. Saroha, Advocate
for the appellant.

Mr. Vikas Bhardwaj, AAG, Haryana.

HARPREET SINGH BRAR, J. (ORAL)

1. The present appeal has been preferred against the judgment of conviction and order of sentence dated 13.07.2005 passed by the learned Additional Sessions Judge, Hisar, whereby, the appellant has been convicted and sentenced to undergo rigorous imprisonment for a period of 03 years under Section 306 of IPC and to pay a fine of Rs.500/- along with default mechanism.

2. At the outset, learned State counsel submits that the appellant has passed away on 22.01.2023 during pendency of the present appeal.

3. In view of the judgment rendered by this Court in *Shivji Ram @ Dimple Vs. State of Punjab, 2023(1) RCR (Criminal) 738* as well as Full Bench judgment of the Kerala High Court in *Pazhani S/o Chami Vs. State of Kerala, 2017(1) RCR (Criminal) 1045*, the present appeal is disposed of as abated with the following directions:

- (i) The State exchequer shall be at liberty to recover the fine amount by adopting due process of law.
- (ii) If the State chooses to start recovery process of the amount of fine from the estates of the deceased appellant, a valid notice in this regard would be served upon his legal heir(s), who have a vested



right in the said estates.

- (iii) If any such legal heir(s) or any interested person(s) are aggrieved with the process of recovery of fine, they may move an appropriate application before this Court seeking revival of the present appeal. However, this exercise must be done within a period of 30 days from the date of receipt of such notice.
 - (iv) Such legal heir(s) or any interested person(s) would also be at liberty to deposit the total amount of fine, which is subject matter of the appeal, in the office of concerned authority.
 - (v) If revived, the appeal shall be heard on merits.
4. All the pending miscellaneous application(s), if any, shall stand disposed of.

(HARPREET SINGH BRAR)
JUDGE

23.05.2025

Neha

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No