



**IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

202

CRA-S-679-SB-2005

Date of Decision: 24.01.2025

RATTANI

..... Appellant

*Versus*

STATE OF HARYANA

..... Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present:- None for the appellant.

Mr. Aashish Bishnoi, D.A.G., Haryana.

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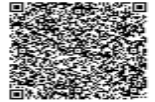
**ANOOP CHITKARA, J. (ORAL)**

Facts of the case are that on 24.06.2003, at the time of patrolling, ASI Har Narain along with other police officials, he received a secret information that a lady was going towards village Mokhra for selling charas, if a raid is conducted, she could be caught red handed. Based on this information, a raid was conducted. On the basis of suspicion, she was apprehended with her plastic bag. On searching her bag, the police recovered 500 grams charas. After completing the requirements of NDPS Act, FIR was registered. Subsequently, the accused was arrested and prosecution was launched against her. Vide judgment dated 01.03.2005 passed by Special Judge, Rohtak, the accused was found guilty and was convicted under Section 20 of the NDPS Act and the convict was sentenced to undergo rigorous imprisonment for three years and pay of fine Rs. 25,000/- and in default of payment of fine she shall further undergo rigorous imprisonment for six months.

2. Feeling aggrieved, appellant- Rattani came up before this Court by filing the present criminal appeal on 07.04.2005.

3. On 08.04.2005, a co-ordinate Bench of this Court admitted the appeal, stayed the recovery of fine and suspended the sentence of the applicant.

4. State counsel submits that the appellant- Rattani has expired in the year 2016 and status report along with her death certificate filed today in the Court, which is taken on



record. He further submits that amount of fine is still pending and prayed for issuance of notice to legal heirs.

5. None has appeared on behalf of the appellant.

6. No ground is made out to issue notice to legal heirs as Section 394 CrPC provides provision for abatement, which reads as follows:

*“Abatement of appeals.-(1) Every appeal under Section 377 or Section 378 shall finally abate on the death of the accused.*

*(2) Every other appeal under this Chapter (except an appeal from a sentence of fine) shall finally abate on the death of the appellant.*

*Provided that where the appeal is against a conviction and sentence of death or of imprisonment, and the appellant dies during the pendency of the appeal, any of his near relatives may, within thirty days of the death of the appellant, apply to the Appellate Court for leave to continue the appeal; and if leave is granted, the appeal shall not abate.”*

7. Since the order of stay of fine was never recalled, as such, present appeal against the appellant stands disposed of having been abated. Bail bonds and surety bonds, if any, furnished stand discharged. All pending miscellaneous applications, if any, stand disposed of.

**(ANOOP CHITKARA)**  
**JUDGE**

**24.01.2025**

*Jyoti-II*

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>