

GAHC010010262013



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : Crl.A./255/2013

DHANANJAY NARAH
S/O SRI DEBA NARAH, R/O NO. 2 GOROIMARI, P.S. BOGINADI, DIST
LKHIMPUR, ASSAM.

VERSUS

STATE OF ASSAM and ANR.

2:KILODHAR KAMAN
S/O LATE LAKHESWAR KAMAN
R/O NO. 2 GOROIMARI P.S. BOGINADI
DIST. LAKHIMPUR
ASSAM

Advocate for the Petitioner : MS. S SAIKIA, MS. B CHOWDHURY, AMICUS CURIAE, MR.E
ALI, MS.K D SARMAH, MSB DEVI

Advocate for the Respondent : , , PP, ASSAM,

BEFORE
HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

08-08-2024

Heard Ms. Imsenkala, learned counsel appearing on behalf of Ms. B. Choudhury, learned Amicus Curiae for the appellant and Mr. K. Baishya, learned Additional Public Prosecutor, Assam for the State.

2. Pursuant to the earlier order dated 06.08.2024, passed in this appeal, Mr. K. Baishya, learned Addl. P.P. has placed a communication bearing No. NLJ/2024/2136 dated 07.08.2024 of the Superintendent of Jail, District Jail, North Lakhimpur clarifying that the convict Dhananjay Narah who was admitted in the said jail on 13.05.2013 to serve the sentence in terms of the judgment of conviction and sentence dated 13.05.2013, passed by the learned Assistant Sessions Judge, Lakhimpur, North Lakhimpur in Sessions Case No.15(NL)/2013 arising out of Boginadi P.S. Case No. 146/2012 corresponding to G.R. No.1638/2012 whereby he was sentenced to suffer Rigorous Imprisonment for 8 (eight) years with fine of Rs.25,000/- under Section 376(2)(f) IPC and in default of payment of fine to undergo R.I. for another 1 (one) year, setting off the period of detention already undergone during investigation and trial of the case, submitted that the said convict has paid the fine of Rs.25,000/- to the convicted Court i.e., the Court of learned Assistant Sessions Judge, Lakhimpur, North Lakhimpur and he was released from the said jail on 30.11.2019 on expiry of the said sentence after getting benefit of hazot (custody) period w.e.f., 22.11.2012 to 12.02.2013 and remission of 539 days that was earned by him, clarifying further that the said convict has not been detained in the said jail thereafter i.e., since 30.11.2019.

3. In view of the above, as the appellant/convict Dhananjay Narah had already served the impugned sentence, this criminal appeal being infructuous stands dismissed.

4. Copy of the communication dated 07.08.2024 of the Superintendent of Jail, District Jail, North Lakhimpur placed before the Court today by Mr. K. Baishya, learned Addl. PP be kept as part of the record.

- 5.** Registry shall sent back the record of Sessions Case No. 15(NL)/2013 (State of Assam Vs. Dhananjay Narah) arising out of Boginadi P.S. Case No. 146/2012 corresponding to G.R. No.1638/2012 to the learned Trial Court, i.e., the Court of learned Assistant Sessions Judge, Lakhimpur, North Lakhimpur along with the copy of this order as well as copy of the communication dated 07.08.2024 of the Superintendent of Jail, District Jail, North Lakhimpur.
- 6.** Registry shall pay the remuneration to Ms. B. Choudhury, learned Amicus Curiae, towards her professional fee, on raising a bill.

JUDGE

Comparing Assistant