

GAHC010033012018



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

Case No. : CRL.A(J)/27/2018

BIMAN BORA @ BIREN
GOLAGHAT, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE P.P., ASSAM, GHC, GHY.

Advocate for the Petitioner : MR M DUTTA, AMICUS CURIAE

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

16-07-2024

Heard Mr. M. Dutta, learned Amicus Curiae for the appellant as well as Mr. K. Baishya, learned Additional Public Prosecutor, Assam for the State.

The appellant Biman Bora @ Biren, was convicted and sentenced to undergo Rigorous Imprisonment for 7 years under Sections 395/397 IPC with fine of

Rs.3,000/-, in default of payment of fine to undergo Simple Imprisonment for 1 month in terms of the judgment and order dated 10.11.2017, passed by the learned Additional Sessions Judge, Golaghat in Sessions Case No.111/2012 arising out of Bokakhat P.S. Case No.36/2012 (G.R. Case No.354/2012). Being aggrieved, the said convict preferred this appeal from jail.

Though the Court admitted this Criminal (Jail) Appeal on 21.03.2018, but the said sentence imposed upon the appellant on 10.11.2017 by the learned Additional Sessions Judge, Golaghat was not suspended.

During pendency of this appeal, the appellant had already completed the term of sentence that was imposed upon him by the learned Additional Sessions Judge, Golaghat by the judgment and order dated 10.11.2017, noted above. In that regard, the Superintendent of District Jail, Sivasagar wherein the appellant was serving the sentence in terms of said judgment and order dated 10.11.2017, by communication under Memo No. SDJ/8/2023/813 dated 26.05.2023 informed the Registry of this Court that said convict Biman Bora @ Biren, who was admitted in the said Jail on 10.11.2017 in connection with Sessions Case No.111/2012 had already been released from the said Sivasagar Jail on 17.02.2021 on expiry of the sentences with the benefit of hazot period.

In view of the above, this Criminal (Jail) Appeal being infructuous, stands closed.

Registry shall return the records of Sessions Case No.111/2012 arising out of Bokakhat P.S. Case No.36/2012 (G.R. Case No.354/2012) to the Court of learned Additional Sessions Judge, Golaghat forthwith along with a copy of this order and the copy of the communication dated 26.05.2023, noted above, of the Superintendent of District Jail, Sivasagar.

Registry shall pay the remuneration to Mr. M. Dutta, learned Amicus Curiae, towards his professional fee, on raising a bill.

JUDGE

Comparing Assistant