

Court No. - 16

Case :- CRIMINAL APPEAL No. - 2461 of 2007

Appellant :- Shiv Lochan Singh

Respondent :- The State Of U.P.

Counsel for Appellant :- Manoj Kr. Misra,K.N. Mishra

Counsel for Respondent :- Govt.Advocate

Hon'ble Shamim Ahmed,J.

1. Heard learned Counsel for the appellant and Shri Ashok Kumar Singh, learned A.G.A-I for the State.
2. The present criminal appeal under Section 374(2) Cr.P.C. against the judgment dated 29.09.2007 passed by learned Additional Sessions Judge/FTC, Court No.2, Gonda in Sessions Trial No.244 of 2005, State vs. Shiv Lochan Singh, arising out of Case Crime No.72 of 2004, relating to Police Station-Umri Begumganj, District-Gonda by which the appellant was convicted and sentenced under Section 498-A I.P.C. for two years rigorous imprisonment and fine of Rs.3000/-, under Section 304-B I.P.C. for ten years rigorous imprisonment and fine of Rs.10,000/- with default stipulations.
3. In compliance of the order dated 22.08.2024 passed by this Court, Shri Ashok Kumar Singh, learned A.G.A-I for the State has produced a copy of the report obtained from the office of Senior Superintendent, District-Jail, Lucknow dated 10.08.2024 and Senior Superintendent of District-Jail, Varanasi dated 09.08.2024, wherein it has been clearly mentioned that the appellant has completed the entire sentence of ten years awarded to him in the aforesaid criminal case and has also deposited the fine imposed upon him, thereafter, he was released from the District- Jail, Varanasi on 01.09.2015. The said reports are taken on record.
4. Learned Counsel for the appellant submits that he do not want to press this appeal on merits as the appellant has already served his entire sentence awarded to him and also deposited the fine imposed upon him, this fact has also been verified by the Senior Superintendent of District-Jail, Lucknow and Senior Superintendent of District-Jail, Varanasi vide their report dated 10.08.2024 and 09.08.2024, thus, no useful purpose will be served in keeping this appeal pending and this Court may decide this appeal in accordance with law.

5. Learned A.G.A-I for the State also made an agreement with the submissions advanced by learned Counsel for the appellant and submits that as per the reports dated 10.08.2024 and 09.08.2024 of Senior Superintendent, District-Jail, Lucknow and Senior Superintendent of District-Jail, Varanasi, respectively, it is clear that the appellant has completed his sentence and also deposited the fine imposed upon him, thus, they have no objection if this appeal is decided in terms of the reports dated 10.08.2024 and 09.08.2024.

6. After hearing learned Counsel for the parties and after perusal of reports dated 10.08.2024 and 09.08.2024 of Senior Superintendent, District-Jail, Lucknow and Senior Superintendent of District-Jail, Varanasi, this Court finds that the appellant has already served his entire sentence of ten years and also deposited the fine imposed upon him, this fact has also been verified by the Senior Superintendent of District-Jail, Lucknow and Senior Superintendent of District-Jail, Varanasi vide their reports dated 10.08.2024 and 09.08.2024 and further learned Counsel for the appellant does not want to press this appeal on merits and learned A.G.A-I has also supported the submissions advanced by learned Counsel for the appellant, thus, nothing remains to be decided by this Court in the present appeal.

7. In view of the above submissions and reports dated 10.08.2024 and 09.08.2024, the present appeal is decided accordingly.

8. Consigned to record.

9. Trial court record, if any, be returned back to the trial court concerned.

Order Date :- 30.8.2024

Piyush/-