

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 332 of 2005

1. Mukesh Kumar S/o Shashi, aged about 18 years, R/o near Water Tank,
Udiya-Basti, Zone No.3, Khurshipar- Bhilai, District - Durg (C.G.)

---- Appellant

Versus

1. State of Chhattisgarh through Police Station – Bhilai, District – Durg
(C.G.)

---- Respondent

For Appellant – Mr. R.K.Pali, Advocate.

For Respondent – Ms. Sangeeta Mishra, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Judgment (on Board)

14/05/2015

1. Challenge in this appeal is to the judgment of conviction and order of sentence dated 30-03-2005 passed by VIIIth Additional Sessions Judge (FTC) Durg, C.G. in Sessions Trial No.154/2004 whereby and whereunder the learned Additional Sessions Judge after holding the appellant guilty under Sections 447, 379/34, 332/34, 394/34, 333/34 of the IPC and under Sections 25 and 26 of the C.G. State Suraksha Adhiniyam, convicted him accordingly and sentenced to undergo simple imprisonment for 3 months, rigorous imprisonment for 6 months, rigorous imprisonment for 1 year, imprisonment for 5 years, rigorous imprisonment for 3 years and rigorous imprisonment for 1 year along with fine sentences, in total Rs.1500/-, with a direction to run all the

substantive jail sentences concurrently.

2. Conviction is impugned on the ground that without there being any iota of evidence, the trial Court has convicted and sentenced the appellant as aforementioned and thereby committed illegality.

3. During argument learned counsel appearing on behalf of the appellant submits that the appellant was in custody since 15-06-2004 till the date of judgment passed by the trial Court and also after the pronouncement of the judgment the appellant continued in custody for serving the sentence. In this appeal on 12-02-2007, his application for suspension of sentence and grant of bail was allowed and the coordinate Bench ordered that if the appellant furnishes a personal bond of Rs.20,000/- along with a solvent surety in the like amount to the satisfaction of the trial Court for his appearance before the Registry of this Court on 14-03-2007 and on all such subsequent dates as may be given by the Registry on this behalf, the execution of the substantive sentences of imprisonment awarded to the appellant shall remain suspended till final disposal of the appeal. But, the appellant not furnished bail bond before the trial Court and served the entire sentence and was released after serving the entire sentence. Looking to the evidence adduced by the prosecution, he is not contesting this criminal appeal on its merit and as the appellant served the entire sentence, the appeal may be disposed of.

4. The evidence adduced by the prosecution before the trial Court are hereby perused. I do not see any illegality or impropriety regarding the conviction and the sentence passed by the trial Court. Also the learned counsel for the appellant is not contesting this criminal appeal on its merit with the fact that the appellant served the entire sentence, which is supported by a communication sent by the concerned trial Court along with copy of order sheet MJC (Cr.) 1017000164/2005 and as per order sheet dated 24-03-2007, the order passed in this criminal appeal regarding suspension of sentence and

grant of bail dated 12-02-2007 reached to the trial Court and the appellant has not furnished the bail bond, even for further hearing the appellant had not furnished bail bond as per order dated 12-02-2007, it goes to show that the appellant served the entire sentence and has been released after serving the entire sentence.

5. As there is no reason to interfere in the judgment of conviction and order of sentence passed by the trial Court in Sessions Trial No.154/2004, the appellant served the entire sentence and was released after serving the entire sentence, I do not see any reason to interfere. Consequently, the appeal filed on behalf of the appellant is dismissed for the reasons indicated above.

Sd/-
(C.B.Bajpai)
JUDGE

