

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 1026 of 2012

1. Sanjay Kumar Chauhan S/o Late Ganpat Chauhan, aged about 20 years, R/o at present Gevra Ghat, Thana Kotwali, Distt. Korba (C.G.)

----Appellant

Versus

1. State Of Chhattisgarh Through : - Police Chouki - CSEB, Police Station - Kotwali, Distt. Korba (C.G.)

---- Respondent

For Appellant – Shri Samir Singh, Advocate.
For Respondent – Shri Arvind Shukla, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order On Board

07/04/2015

1. The appellant has challenged the judgment of conviction and order of sentence dated 28-09-2012 passed in Sessions Trial No.34/2012 whereby and whereunder the learned Additional Sessions Judge, Korba, District Korba after holding the appellant guilty for attempt to commit rape, convicted the appellant under Section 376/511 of the Indian Penal Code (in short 'the IPC') and sentenced him to undergo rigorous imprisonment for 3 years and to pay fine of Rs.1000/-, in default of payment of fine, to undergo additional rigorous imprisonment for 3 months.

2. Learned counsel for the appellant submits that the appellant was in custody from 30-04-2012 to 22-05-2012 and thereafter again from the date of judgment i.e. 28-09-2012. By filing this criminal appeal the appellant also filed an application under Section 389 of the Cr.P.C. whereby he prayed for suspension of sentence and grant of bail during pendency of the appeal which was allowed by the order of this Court dated 14-03-2014 whereby and

whereunder it was ordered that jail sentence imposed upon the appellant shall remain suspended during the pendency of this appeal and he shall be released on bail if the appellant furnishes a personal bond in the sum of Rs.50,000/- with two sureties in like sum to the satisfaction of the trial Court for his appearance before the Registry of this Court on 08th September 2014 and thereafter on such other dates as may be fixed in this behalf. But, the appellant not furnished the bail bond and remained in custody for serving the remainder of sentence. This Court vide order dated 22-09-2014 called report from the concerned trial Court and the Chief Judicial Magistrate, Korba. Both courts below communicated the Registry vide memo dated 14-10-2014 and 17-10-2014. As per the communication, the appellant not furnished bail bond. The learned counsel further submits that, as instructed, the appellant served the entire sentence and as directed, they do not want to assail the judgment of conviction awarded to the appellant by the trial Court on its merit. Hence, the appeal may be dismissed as not pressed and for the fact that the appellant served the entire sentence awarded to him.

3. As the appellant does not want to press this appeal on merit and the appellant has served the entire sentence, also upon perusal of the evidence and the judgment impugned, I do not see any illegality or infirmity committed by the trial Court by convicting the appellant as mentioned above, the appeal is liable to be dismissed.

4. Consequently, the appeal is dismissed for the reasons indicated above.

Sd/-

(C.B.Bajpai)
JUDGE

