

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Criminal Appeal S- No. 121-SB of 2004 (O&M)

Date of decision : 28.01.2015

Avtar Singh and anotherAppellants

Versus

State of PunjabRespondent

Criminal Appeal S- No. 2262-SB of 2003 (O&M)

SarbjitAppellant

Versus

State of PunjabRespondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Mukesh Sharma, Advocate for
Mr. Parveen K. Kataria, Advocate
for the appellants.
(in CRA-S-121-SB of 2004)

None for the appellant.
(in CRA-S-2262-SB of 2003)

Mr. P.S. Grewal, DAG, Punjab

LISA GILL, J.

Appellants - Avtar Singh and Salim alias Nikka have filed Criminal Appeal S-121-SB of 2004 challenging their conviction and sentence of rigorous imprisonment for 10 years besides a fine of ₹ 5000/- for the offence punishable under Section 376 (2) (g) IPC and to further rigorous imprisonment for six months in default of payment of fine and sentence of rigorous imprisonment for six months besides a fine of ₹ 500/- for the offence punishable under Section 342 IPC and further imprisonment for one month in default of payment of fine awarded vide order dated 05.08.2003.

Appellant – Sarbjit has filed Criminal Appeal S-2262-SB of 2003 challenging his conviction and sentence of rigorous imprisonment for 10 years besides a fine of ₹ 5000/- for the offence punishable under Section 376 (2) (g) IPC read with Section 120-B IPC and to further rigorous imprisonment for six months in default of payment of fine and sentence of rigorous imprisonment for six months besides a fine of ₹ 500/- for the offence punishable under Section 342 IPC and further imprisonment for one month in default of payment of fine awarded vide order dated 05.08.2003.

Separate affidavits of even date i.e. 13.01.2015 of Sh. Rajan Kapur, PPS, Deputy Superintendent, Central Jail, Patiala indicating the period of custody undergone by the appellants have been filed in Court today. The same are taken on record subject to just exceptions.

As per the said affidavits indicating the period of imprisonment undergone by the appellants, all of them have completed the sentence imposed upon them. Appellant – Avtar Singh was released on 13.04.2007 on having undergone the sentence imposed upon him. Appellant - Salim @ Nikka was released on 30.01.2007 and appellant - Sarabjit was released on 27.03.2007 on having undergone the sentence imposed upon them. All the appellants have paid the amount of fine imposed upon them.

In view of the above, learned counsel for the appellants – Avtar Singh and Salim @ Nikka submits that the present appeals have been rendered infructuous.

In Criminal Appeal S-2262-SB of 2003 filed by Sarbjit none had put in appearance on behalf of the appellant on the last three occasions. Learned counsel for the appellant had been directed to be intimated of the date fixed i.e. today. Yet again none has come present. It appears that the appellant having undergone the sentence, none is appearing on his behalf. This appeal is also rendered infructuous in view of the the facts above.

Disposed of accordingly.

January 28, 2015
rts

(LISA GILL)
JUDGE