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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

DECIDED ON : 6th OCTOBER, 2015

+ **CRL.A.415/2010**

DINESH @ BUDH RAM

..... Appellant

Through : None.
versus

STATE

..... Respondent

Through : Mr.Sanjeev Sabharwal, APP.

**CORAM:
HON'BLE MR. JUSTICE S.P.GARG**

S.P.Garg, J. (Oral)

1. The instant appeal has been preferred by the appellant – Dinesh @ Budh Ram to impugn a judgment dated 27.01.2010 of learned Additional Sessions Judge in Sessions Case No.1111/09 arising out of FIR No.392/06 registered at PS Paschim Vihar by which he was convicted under Sections 376 IPC. By an order dated 28.01.2010, he was awarded RI for seven years with fine ₹10,000/- under Section 376 IPC.

2. Allegations against the appellant as reflected in the charge-sheet were that in February 2006 at unknown time at B-3 Ekta Enclave Pashim Vihar, Delhi, he committed rape upon the prosecutrix 'X'

(assumed name), aged about 14 years. The prosecution examined twelve witnesses to substantiate its case. In 313 Cr.P.C. statement, the appellant pleaded false implication. The trial resulted in his conviction as aforesaid.

3. The appellant preferred the instant appeal before this Court on 12.04.2010. Vide order dated 15.04.2010 the appeal was admitted. When the matter was taken up for hearing on 22.09.2015, none appeared on behalf of the appellant to address arguments. Notice was ordered to be issued to Ms Nandita Abrol., Advocate, who represented the appellant on the previous date of hearing. Fresh nominal roll of the appellant was called along with issuance of production warrants for his appearance.

4. Report bearing No.F.5/SCJ-5/AS(CT)/2015/8972 dated 30.09.2015 has been received from the Superintendent, Central Jail No.5, Tihar, New Delhi, to the effect that the appellant has already been released on 01.08.2012 after completion of sentence. The fine has already been deposited by him in jail.

5. Since the appellant has served out the sentence awarded to him and has deposited the fine, it appears that for that reason, he has not contacted the counsel or the Court to get the appeal decided on merits. The appeal has thus become infructuous and is disposed of as such. It is,

however, made clear that if the appellant appears within a reasonable time for disposal of appeal on merits, his request will be considered.

6. Trial Court record be sent back immediately with the copy of the order. A copy of the order be sent to the Superintendent Jail for necessary information and compliance.

(S.P.GARG)
JUDGE

OCTOBER 06, 2015 / *sa*