

\$-R-42

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

DECIDED ON : 28th OCTOBER, 2015

+ **CRL.A.623/2013**

MOHAN

..... Appellant

Through : Mr.Biswajit Kumar Patra,
Advocate.

versus

THE STATE (GOVT. OF NCT, DELHI)

..... 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 – Mohan to impugn a judgment dated 14.01.2013 of learned Addl. Sessions Judge (Special Fast Track Court), Dwarka Courts, New Delhi, in Sessions Case No.17/13 arising out of FIR No. 234 dated 18.11.2011 PS Chhawla by which he was convicted under Section 376 IPC read with Section 511 IPC. By an order dated 17.01.2013, he was awarded RI for four years with fine ₹10,000/-.

2. Allegations against the appellant as reflected in the charge-sheet were that on 16.11.2011 at about 04.30 p.m. he attempted to commit rape upon the prosecutrix 'X' (assumed name), aged around four years. The prosecution examined fifteen 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 15.05.2013. Order dated 29.09.2015 records that learned counsel for the appellant informed the Court that to his information the appellant had already served out the sentence awarded to him by the Trial Court. Vide order dated 29.09.2015, fresh Nominal Roll of the appellant was called along with issuance of production warrants for his appearance.

4. Report bearing No.F.1/SCJ-1/AS(CT)/2015/4154 dated 23.10.2015 has been received from the Superintendent, Central Jail No.1, Tihar, New Delhi, to the effect that the appellant has already been released on 04.05.2015 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 information.

(S.P.GARG)
JUDGE

OCTOBER 28, 2015 / *tr*