

\$-R-33 & R-34

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

DECIDED ON : 5th OCTOBER, 2015

+ **CRL.A.268/2010**

SHRI MADAN LAL & ANR. Appellants

Through : None.

versus

THE STATE (GOVT. OF NCT OF DELHI) Respondent

Through : Mr.Sanjeev Sabharwal, APP.

AND

+ **CRL.A.593/2010**

BAL KISHAN Appellant

Through : None.

versus

STATE (NCT OF DELHI) Respondent

Through : Mr.Sanjeev Sabharwal, APP.

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

S.P.Garg, J. (Oral)

1. The instant appeals have been preferred by the appellants – Shri Madan Lal (A-1), Shri Mahender Kumar (A-2) and Bal Kishan (A-3) to impugn a judgment dated 13.04.2009 of learned Addl. Sessions Judge in Sessions Case No.34/08 arising out of FIR No.557/06 PS Dwarka by which they were convicted under Section 376(g) IPC. By an order dated 14.01.2010, they were awarded RI for ten years with fine ₹10,000/- each.

2. Allegations against the appellants as reflected in the charge-sheet were that on 27.06.2006, they committed rape upon the prosecutrix ‘X’ (assumed name), aged around fourteen years. The prosecution examined six witnesses to substantiate its case. In 313 Cr.P.C. statements, the appellants pleaded false implication. They examined five witnesses in defence. The trial resulted in their conviction as aforesaid.

3. The appellants preferred the instant appeals before this Court on 11.03.2010 (By A-1 and A-2) and 14.05.2010 (By A-3). When the matter was taken up for hearing on 22.09.2015, none appeared on behalf of the appellants to address arguments. Notices were ordered to be issued to Mr.Vivek Sood, Advocate (in CrI.A.268/2010) and Mr.B.K.Pal, Advocate (in 593/2010), who represented the appellants on the previous dates of hearing. Latest nominal rolls of the appellants were called along with issuance of production warrants for their appearance.

4. Report bearing No.F.2/SCJ-2/CJ-2/AS(CT)/2015/6634 dated 28.09.2015 (of A-1) has been received from the Superintendent, Central Jail No.2, Tihar, New Delhi, to the effect that the appellant has already been released on 02.12.2014 upon completion of sentence awarded to him. The fine has already been deposited by him in the Court.

5. Report bearing No.F.2/SCJ-2/CJ-2/AS(CT)/2015/6632 dated 28.09.2015 (of A-2) has been received from the Superintendent, Central Jail No.2, Tihar, New Delhi, to the effect that the appellant has already been released on 17.10.2014 upon completion of sentence awarded to him. The fine has already been deposited by him in the Court.

6. Report bearing No.F.2/SCJ-2/CJ-2/AS(CT)/2015/6618 dated 28.09.2015 (of A-3) has been received from the Dy. Superintendent, Central Jail No.2, Tihar, New Delhi, to the effect that the appellant has already been released on 05.11.2014 upon completion of sentence awarded to him. The fine has already been deposited by him in jail.

7. Since the appellants have served out the sentences awarded to them and have deposited the fine, it appears that for that reason, they have not contacted the counsel or the Court to get the appeals decided on merits. The appeals have thus become infructuous and are disposed of as such. It is, however, made clear that if the appellants appear within a

reasonable time for disposal of appeals on merits, their requests shall be considered.

8. Trial Court record (if any) 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 05, 2015 / *tr*