

\$-R-36

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

DECIDED ON : 6th OCTOBER, 2015

+ **CRL.A.698/2010**

ANUJ

..... 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 – Anuj to impugn a judgment dated 17.09.2009 of learned learned Additional Sessions Judge in Sessions Case No.22/08 arising out of FIR No.345/07 registered at PS Pandav Nagar by which he was convicted under Sections 376/506/34 IPC. By an order dated 06.10.2009, he was awarded RI for seven years with fine ₹5,000/- under Section 376/34 IPC and RI for one year under Section 506 IPC. Both the sentences were to operate concurrently.

2. Allegations against the appellant as reflected in the charge-sheet were that about ten months and later 1 ½ or 2 months before 26.06.2007, in the House No.C-51A, Shashi Garden, Patparganj, Delhi, in the tenanted room, he committed rape upon prosecutrix 'X' (assumed name) and criminally intimidated her. 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 14.05.2010. Vide order dated 03.06.2010 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 Mr.Riaz Mohd., 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.8&9/SCJ-8&9/AS(CT)/2015/2679 dated 28.09.2015 has been received from the Superintendent of Prison, Central Jail No.8/9, Tihar, New Delhi, to the effect that the appellant has already been released on 27.04.2013 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*