

\$-R-14 (C)

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

**DECIDED ON : 6<sup>th</sup> JULY, 2015**

+ **CRL.A. 1587/2011 & CRL.M.A.No.20015/2011**

RAM KUMAR

..... Appellant

Through : Mr.Puneet Singhal, Advocate.

versus

STATE (GNCT of Delhi)

..... Respondent

Through : Ms.Fizani Hussain, APP.  
SI Neeraj Kumar, PS New Ashok  
Nagar.

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

**S.P.Garg, J. (Oral)**

1. The appellant was convicted by a judgment dated 08.04.2011 of learned Additional Sessions Judge in Sessions Case No. 20/2010 arising out of FIR No.100/2009 PS New Ashok Nagar. By an order dated 13.04.2011, he was awarded various prison terms with fine. Allegations against the appellant were that Mohd. Talib lodged a complaint that her daughter 'X' (assumed name) was missing since 31.03.2009 and did not return from her school where she had gone at 11.00 a.m. to collect her

results. On 01.04.2009, 'X' was recovered from Sultanpuri and her statement was recorded in which, she implicated the appellant for kidnapping and committing rape upon her in the house of his sister-in-law. The prosecution examined thirteen witnesses to establish the appellant's guilt before the Trial Court after charge-sheet was filed against him. In 313 Cr.P.C. statement, the appellant pleaded false implication and stated that 'X' had accompanied with her free consent as she was in love with him. He examined Renu as DW-1. The trial resulted in his conviction.

2. The Trial Court came into conclusion that the prosecutrix was below sixteen years of age and her consent was not material.

3. During the course of appeal, nominal roll of the appellant was called. As per nominal roll dated 04.07.2015, the appellant has already served out the sentence awarded to him and has been released from jail on 07.03.2015. Fine is stated to have been paid. Appellant's counsel has stated at Bar that after his release from jail, the appellant did not contact him to get his appeal decided on merits. It appears that after the appellant served the sentence and was released from jail, he was not interested to prosecute the appeal and for that reason has not bothered to appear in Court or to instruct his counsel for disposal of the appeal on merits.

4. In view of the above, the appeal preferred by the appellant stands disposed of as 'infructuous'. It is, however, made clear if the appellant appears within a reasonable time for disposal of the appeal on merits, his prayer will be considered.

5. Pending application also stands disposed of.

6. Trial Court record be sent back forthwith with the copy of the order. A copy of the order be sent to the Superintendent Jail for information.

**(S.P.GARG)**  
**JUDGE**

**JULY 06, 2015 / *tr***