

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRA No. 58 of 2010**

Balbhadra aged about 35 years, S/o Koraba Ram Basod, R/o Vill. Soyada, PS
Lakhanpur, Surguja

---- Appellant**Versus**

State of Chhattisgarh, through the Station House Officer, Police Station,
Lakhanpur, Distt. Surguja (CG)

---- Respondent

For appellant	:	Mr. Aditya Khare, Adv.
For Respondent/State	:	Ms. Shobha Kashyap, Dy. Govt. Adv.

Judgment**04/03/2016**

1. With the request of learned counsel for the parties, the matter is heard finally.
2. Appellant has preferred this criminal appeal against the judgment of conviction and order of sentence dated 1-12-2009 passed by the 3rd Additional Sessions Judge, Ambikapur, Surguja (FTC) in S.T. No. 156/2009 whereby and whereunder learned trial Court has convicted the appellant for offence under Section 307 of the Indian Penal Code and Section 5 of the Chhattisgarh Tonahi Pratadna Nivaran Act, 2005 and sentenced to undergo RI for 10 years and to pay a fine of Rs. 500/-, in default of payment of fine to further undergo RI for 1 month under Section 307, IPC and to undergo RI for 3 years and to pay a fine of Rs. 100/-, in default of payment of fine, to further undergo addition RI for 15 days under Section 5 of the the Chhattisgarh Tonahi Pratadna Nivaran Act, 2005 with a direction that both the substantive jail sentences shall run concurrently and the appellant shall be entitled for set off for the period he remained in jail during trial.
3. Learned counsel for the appellant submits that as instructed by the appellant, he is not assailing the impugned judgment of conviction and order of sentence as the appellant after serving the entire jail sentence and availaing benefit of remission, has been released from the jail on 1-7-2014. Hence the instant appeal may be disposed of.
4. For the purpose of appreciation of arguments advanced by learned counsel for the appellant, I have perused the evidence adduced by the prosecution.
5. In the considered opinion of this Court, the trial Court has not committed any

illegality or impropriety in convicting and sentencing the appellant by the impugned judgment. The appellant is also not pressing the appeal on merit. Therefore in the opinion of this Court, there is no scope for any interference in the impugned judgment of conviction and order of sentence. The same is affirmed. The appeal is dismissed as not maintainable.

6. As per submission made by learned counsel for the State, since the appellant has been released from jail on 1-7-2014 after availing benefit of remission and serving jail sentence, therefore, no further order is required.
7. The appeal is dismissed.

Sd/-
(Chandra Bhushan Bajpai)
Judge