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*** IN THE HIGH COURT OF DELHI AT NEW DELHI**
DECIDED ON : 18th APRIL, 2016

+ CRL.A.1758/2014

BHAGWAN DASS Appellant

Through : Mr.Nitish Ojha, Proxy counsel for
Mr.Anwesh Madhukar, Advocate.

versus

STATE (GNCT OF DELHI) Respondent

Through : Mr.Vinod Diwakar, APP.
ASI Prem Chand.

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

S.P.GARG, J. (Oral)

1. Bhagwan Dass (the appellant) impugns a judgment dated 30.10.2014 of learned Addl. Sessions Judge in Sessions Case No. 146/2014 arising out of FIR No. 271/2010 PS Alipur by which he was convicted for committing offences punishable under Sections 186/353/333/34 IPC. By an order dated 31.10.2014, he was awarded various prison terms with fine.

2. Allegations against the appellant were that on 09.08.2010, he and his associates – Raj Kumar @ Rana (Since convicted) and Gulfam (Since Proclaimed Offender) with their common intention voluntarily caused grievous hurt to Const.Dilbagh to deter him in discharge of his official duty as such public servant. The prosecution examined eighteen witnesses to substantiate its case. In 313 Cr.P.C. statement, the appellant denied his involvement in the crime and pleaded false implication. The trial resulted in

conviction of the appellant and his associate – Raj Kumar @ Rana. It is not clear if co-convict preferred any appeal to challenge his conviction.

3. The appellant preferred the instant appeal before this Court on 24.12.2014. Vide order dated 21.07.2015, Crl.M.B.11276/2014 was dismissed and the matter was ordered to be listed in the category of ‘After Notice Miscellaneous Matters’. When the matter was taken up for hearing on 17.02.2016, fresh Nominal Roll of the appellant was called.

4. Nominal Roll dated 25.02.2016 has been received from the Deputy Superintendent, Central Jail No.1, Tihar, New Delhi, to the effect that the appellant has already been released on 12.06.2015 after completion of sentence. The fine has already been deposited by him in jail.

5. Mr.Nitish Ojha, Proxy counsel for Mr.Anwesh Madhukar, Advocate for the appellant appears and states that he has no instruction from the appellant.

6. 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.

7. 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.

APRIL 18, 2016 / tr

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