

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 127 of 2006

- Janak Ram, son of Govind Ram Sidar, Aged about 28 years,
Occupation Driver, R/o village Pakargaon, Chhuripahari, Thana
Pathalgaon, Distt. Jashpur (C.G) **--- Appellant**

Versus

- State of Chhattisgarh through Station House Officer, P.S. Pathalgaon,
Distt. Jashpur (C.G). **--- Respondent**

For the appellant	:	Mr. Sanjay Agrawal, Advocate
For the State	:	Mr. O.P. Sahu, Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

06.04.2017

1. This is an appeal against the impugned judgment dated 28.01.2006 passed by the Sessions Judge, Jashpur in Sessions Trail No.100/2005 whereby the appellant was convicted u/s 306 IPC and sentenced to undergo R.I., for 5 years and to pay a fine of Rs.2000/- with further default stipulation.
2. A communication dated 28.03.2017 has been received from the Jail Superintendent, District Jail, Jashpur whereby it is informed that the appellant has suffered jail sentence for the offence punishable u/s 306 IPC in Crime No.106/2006. The said communication reflects that Initially the appellant was lodged in jail for 5 months and one day in the year 2005. Thereafter after conviction, again he entered into Jail on 23.07.2006 and after grant of bail, he was released thereby again he remained in jail for a period of two months. Subsequently, again he entered into jail on 05.04.2009 and he was released on bail on 01.10.2011 after completing his sentence and at that time he suffered a jail sentence of 2 years 5 months and 26 days. The communication further stated that he is granted remission of 1 year, 11 months and 3 days thereby he has completed 5 years of sentence. The letter

further shows that the appellant has been lodged in jail since 22.10.2016 in execution of arrest warrant issued by the JMFC Jashpur, thereby it shows that the appellant has already undergone the entire sentence.

3. In view of the above, learned counsel for the appellant after perusal of the communication would submit that he do not want to press this appeal for the reason that the appellant has already undergone the entire sentence of 5 years and since the appellant is lodged in jail from 22.10.2016 in pursuance of the arrest warrant issued by the C.J.M., Jashpur, he may be released forthwith.
4. Taking into totality of the facts and circumstances of the case, it appears that the appellant has already undergone the sentence of jail and since the appellant does not press this appeal, nothing remains for adjudication. Accordingly, the appeal stands disposed of. As the appellant is stated to be in jail since 22.10.2016, he is directed to be released from Jail forthwith without any further bond or surety. The communication be sent to the concerned authority immediately to release the appellant from custody.

Sd/-
GOUTAM BHADURI
JUDGE