

HIGH COURT OF CHHATTISGARH, BILASPUR**CRA No. 587 of 2011**

- Kishan Kumar aged about 40 years, S/o Amarlal Kumhar, R/o Ekta Nagar Simga, P.S. Simga District-Raipur, Chhattisgarh

---- Petitioner**Versus**

- State Of Chhattisgarh , thgough P.S. Simga, District-Raipur, Chhattisgarh

---- Respondent

For Petitioner : None.

For Respondent : Shri Vinod Tekam, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****16/09/2017**

1. It is submitted by learned counsel for respondent/State that in this case the appellant/accused was arrested on 2.3.2009 and even on the date of judgment i.e. on 10.8.2010 and at the time of filing of this appeal, he was in the custody. He further submits that since the substantive sentence ordered against the appellant i.e. simple imprisonment of 7 years along with fine of Rs.100/- and in default of payment of fine, SI of one week, has already elapsed, this appeal has become infructuous.
2. Perused the documents on record.
3. Appellant was taken into custody on 2.3.2009 and since then he is continuously in custody and he was never released on bail by the trial Court of this Court. The sentence, as ordered, appears to have expired by the year 2016, hence, even if this appeal is heard and decided in favour of the appellant that shall be of no consequence.

4. For the above reasons, it appears that this appeal has become infructuous and accordingly, this appeal is dismissed as having become infructuous.

Sd/-
(Rajendra Chandra Singh Samant)
JUDGE

Nisha