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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.A. 782/2012**

DEEPAK

..... Appellant

Through : Mr. G.D. Parashar, Mr. M. S. Ranga and
Ms.Parul Singh, Advocates.

versus

STATE OF NCT OF DELHI

..... Respondent

Through : Mr. Ashok Kumar Garg, APP for the State.

CORAM:

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

08.08.2017

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1. The present appeal has been instituted under Section 374 of the Code of Criminal Procedure against the impugned judgment dated 05.05.2012 and order on sentence dated 10.05.2012 by which the appellant was convicted and sentenced to undergo the following:

- (i) To rigorous imprisonment for a period of 7 years and fine of Rs.5000/- for the offence punishable under section 377 IPC. He shall suffer further simple imprisonment for a period of six months in case of default of fine.
- (ii) To rigorous imprisonment for a period of 5 years and fine of Rs.5000/- for the offence punishable under section 367 Indian Penal Code. He shall suffer further simple imprisonment for a period of six months in case of default of fine.
- (iii) To Rigorous Imprisonment of six months for offence under section 323 Indian Penal Code.

- (iv) To Rigorous Imprisonment for a period of one year for the offence under section 506 Indian Penal Code.

All the sentences were ordered to run concurrently.

2. Counsel for the appellant submits that though the appellant has undergone the entire period of sentence on 09.07.2017 for the offence punishable under Sections 377/367/323/506 IPC, he remained in judicial custody till 07.08.2017 for failure to deposit the amount of fine which has now been deposited and has also been released from jail. Counsel submits that he has instructions to withdraw the present appeal.

3. Heard.

4. On perusal of the latest nominal roll, it is abundantly clear that the appellant has completed his substantive sentence on 09.07.2017 and was undergoing sentence of six months each for the offence punishable under Sections 377 IPC and 367 IPC in lieu of fine amounting to Rs.10,000/- (both) w.e.f. 09.07.2017 which stands deposited on 07.08.2017. The nominal roll further shows that there are no pending cases or conviction in any other case.

5. Keeping in view the facts and circumstances, of the present case, the present appeal is dismissed as withdrawn.

SANGITA DHINGRA SEHGAL, J.

AUGUST 08, 2017

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