

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Appeal No.136 of 2009**

Kamlesh Toppo, S/o Kunjan Toppo, aged about 23 years, occupation Agriculture, R/o Village Golapuda, Padakipara, Police Station Kapu, District Raigarh, Chhattisgarh

---- Appellant

versus

State of Chhattisgarh through P.S. Patthalgaon, District Jashpur, Chhattisgarh

--- Respondent

For Appellant	:	None
For State/Respondent	:	Shri Sameer Behar, Panel Lawyer

Hon'ble Shri Justice Arvind Singh Chandel**Judgment on Board**

28.4.2018

- The instant appeal has been preferred against the judgment dated 29.11.2008 passed by the Additional Sessions Judge, Jashpur in Sessions Trial No.26 of 2007, whereby the Appellant has been convicted and sentenced as under:

<u>Conviction</u>	<u>Sentence</u>
Under Section 392 of the Indian Penal Code	Rigorous Imprisonment for 7 years and fine of Rs.5,000/- with default stipulation
Under Section 397 of the Indian Penal Code	Rigorous Imprisonment for 7 years
Under Sections 25, 27 of the Arms Act	Rigorous Imprisonment for 2 – 2 years
	All the sentences are directed to run concurrently

- Memorandum dated 25.11.2017 of the Superintendent, Central Jail, Ambikapur shows that the Appellant has been released from central jail on 26.1.2011 after completion of his entire sentence imposed upon him by the Trial Court.

3. Since the Appellant has already been released from jail and no one appears on his behalf, examining the correctness of the impugned judgment, I proceed to decide the appeal finally.
4. The allegation against the Appellant is that on 24.5.2006, he along with other co-accused persons committed loot of Rs.94,160/- from the counter and Rs.12,000/- from the *tijori* (safe) of the branch of Central Bank of India situated in Village Sukharapara, Patthalgaon.
5. Case of the prosecution is based on the statements of Mohan Ram Yadav (PW1), Ramkripal (PW2), Awadhesh Kumar (PW3) and Anil Madhav (PW5). They have duly supported the case of the prosecution. Tahsildar P.K. Mishra (PW8), Tahsildar Dinesh Chicholkar (PW9), Vijay Patel (PW10), Inspector Ashok Wadegaonkar (PW7) and Constable Amar Tigga (PW4) have also supported the case of the prosecution. On due examination of the evidence available on record, I find no merit in the instant appeal.
6. Consequently, the appeal is dismissed. The impugned judgment of conviction and sentence is affirmed. On completion of the entire sentence, the Appellant has already been released from jail.
7. Record of the Court below be sent back along with a copy of this judgment for information and necessary compliance.

Sd/-
(**Arvind Singh Chandel**)
Judge