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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ CRL.A. 929/2004  
MANOJ KUMAR ..... Appellant  
Through: None.

versus

STATE ..... Respondent  
Through: Ms. Kusum Dhalla, APP for State  
with SI Deepak Kumar, PS Kotwali.  
Head Warden Joginder Singh, Central  
Jail-10, Rohini.

**CORAM:**  
**HON'BLE MS. JUSTICE ANU MALHOTRA**

**ORDER**

% **11.06.2018**

Vide proceedings dated 05.06.2018 in view of the report received from the Superintendent Jail, Central Jail No.10, Sector-19, New Delhi indicating to the effect that the appellant Manoj Kumar, s/o Shri Hem Narain Singh in Crl.A.929/2004 i.e. the present appeal, convicted vide the impugned judgment dated 17.07.2004 qua commission of the offences punishable under Section 394/34/397 Indian Penal Code, 1860 and Section 25 of the Arms Act, 1959, had undergone the entire sentence imposed vide impugned judgment and impugned order on sentence and had been released on 25.03.2005 on expiry of sentence of seven years of Rigorous Imprisonment and after the deposit of fine of Rs.1,000/- in jail vide receipt no.8091 dated 31.08.2006, on the basis of the said report, it had been observed to the effect that nothing survived in the instant appeal.

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The matter having been taken at the stage of signatures by this Court, it was observed that the date of arrest of the appellant is 23.12.2002 and he was sentenced to seven years of Rigorous Imprisonment and thus his release on 25.03.2005 before the lapse of seven years of Rigorous Imprisonment coupled with the deposit of fine of Rs.1,000/- for an 'in default' sentence of two months of Simple Imprisonment on 31.08.2006 could not stand explained and thus the notice was issued to the Superintendent Jail to explain the said aspect, in relation to which, the Register No.2, the Convict Register from the date 07.10.2005 to 12.05.2005 of Central Jail No.10, Rohini, Delhi has been produced in original which bears on it the original fine receipt bearing No.8091 indicating the deposit of fine of Rs.1,000/- by the appellant on 31.08.2006, and shows his release on 26.09.2008 on expiry of the period of imprisonment, indicating also a remission of one year, two months and twenty seven days inasmuch as the remission mentioned on the register is to the effect of 14 months and 27 days.

It has been submitted by the Head Warden Mr. Joginder Singh that the previous report submitted for the date of hearing 05.06.2018 had erroneously been submitted as the page had turned over and has apologized for the said lapse.

The page which depicts the release of the appellant on 26.09.2008 after the period of remission of one year, two months and twenty seven days bears page no. 113 and the page on which there is a release mentioned of the date 25.03.2005 bears page no.115 and

shows the release of the person there named Md. Bhoore, s/o Md. Yashin after expiry of the period of sentence imposed in FIR No.100/1999, PS Trilok Puri. The copy of the page nos.113 to 115 of the Convict Register produced by the Head Warden of Central Jail No.10, Rohini under his signature is directed to be placed on record and have now been so placed on record. The Superintendent Jail is directed to be careful in future in submission of the report qua the nominal rolls called for by the Court.

In view of the Convict Register now produced and the report received from the Superintendent Jail, it is apparent that in any event, the appellant has undergone the sentence imposed vide impugned order on sentence dated 31.07.2004 and has also deposited the fine as imposed vide receipt no.8091 dated 31.08.2006. A perusal of the record indicates that there is no infirmity in the impugned judgment and impugned order on sentence.

The appeal is thus disposed of having been dismissed and the records be consigned.

Copy of his order be sent to the Superintendent of all Jails in Delhi/New Delhi for compliance of careful submission of nominal rolls in future.

**ANU MALHOTRA, J**

**JUNE 11, 2018**

**vm**