

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.696 of 2016**

Arising Out of PS. Case No.-72 Year-2010 Thana- AAJAM NAGAR District- Katihar

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Arun Roy @ Arun Rai son of Sagar Rai, resident of village- Kajipura, P.S.
Azam Nagar, District- Katihar.

... .. Appellant

Versus

The State Of Bihar

... .. Respondent

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Appearance :

For the Appellant/s : Mr.Bimal Kumar, Advocate
For the Respondent/s : Mr.Bipin Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

6 20-09-2022 Learned counsel for the appellant and learned APP for the
State are present.

2. The present criminal appeal has been preferred against the judgement of conviction dated 14.09.2011 and order of sentence dated 16.09.2011 passed by learned Additional Session Judge, F.T.C.-II, Katihar in Sessions Trial No. 394 of 2010 (arising out of Azamnagar P.S. Case No. 72/10, G.R. No. 864/10) whereby and whereunder the appellant was held guilty by the Trial Court for the offence under Section 395 of the Indian Penal Code and sentenced to undergo rigorous imprisonment for 10 years along with fine of Rs. 2,000/- and in default of payment of fine, the appellant was further sentenced to undergo further imprisonment for two months.



3. By order dated 14.07.2022, this Court had called for a report from the Trial Court regarding the present status of the appellant as to whether he is in custody or not and the Trial Court was further directed that if the appellant had already been released after serving the sentence then the Court below was directed to enclose the necessary order by virtue of which the appellant was released. In pursuance of the aforesaid order, a report vide letter No. 05/2022 dated 8th August, 2022 has been received from the Court of learned I/C/ Additional Sessions Judge (FTC Court No. II), Katihar. Following is the relevant extract of the report:

“On 18.05.2018 a petition has been filed on behalf of convict that he wants to deposit the fine amount which was imposed by the Trial Court. Thereafter the Trial Court on 21.05.2018 petition was allowed to deposit the fine amount, same has been deposited on 22.05.2018 vide Katihar Nazarat Slip No. 106 dated 22.05.2018. On 06.06.2018 Superintendent of Jail Katihar communicated to this Court for depositing the fine amount.

Thereafter, on getting information from the Jail Superintendent, Katihar regarding the status of accused/convict Jail Superintenant, Katihar Jail has reported vide its Memo No. 5103 dated 05.08.2022 that convict Arun Roy @ Run Rai has been released from jail as per Rule of Jail Manual.”

4. From perusal of the report along with its enclosures



placed in the file, it is evident that the appellant has already served his sentence and has been released from custody on 06.06.2018.

5. In the present circumstances, learned counsel for the appellant does not intend to press upon the conviction of the appellant.

6. Taking into account that the appellant has already been released from custody after serving the sentence and the appellant does not intend to challenge the conviction, this Court is of the view that the present appeal has outlived its utility.

7. Accordingly, the present appeal is dismissed as not pressed.

(Sudhir Singh, J)

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