

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2039 of 2017**

Arising Out of PS. Case No.-138 Year-2011 Thana- SIMRI District- Darbhanga

Lalit Mallik Son of Late Lakhendra Mallik Resident of Village - Chansar
Pokhar Shastri Nagar, P.S.- Simri, District - Darbhanga.

... .. Appellant

Versus

The State Of Bihar

... .. Respondent

Appearance :

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

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER**

5 14-09-2022 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 17.06.2017 and order of sentence dated 24.06.2017 passed by the learned 3rd Additional Sessions Judge, Darbhanga, Bihar in connection with Sessions Trial No. 434/2014/Registration No. 3656/14 (arising out of Simri P.S. Case No. 138 of 2011) whereby and whereunder the appellant was held guilty by the Trial Court, for the offence under Sections 341, 323 and 307 of the Indian Penal Code and was sentenced to undergo simple imprisonment for 20 days for the offence under Section 341 of I.P.C. and simple imprisonment for six months for offence under Section 323 of I.P.C. and rigorous imprisonment for 7 years for the offence under Section 307 of the I.P.C. with a fine of Rs. 5,000/- and in default of payment of fine, the appellant was further sentenced to



undergo imprisonment for a period of one month. It was further directed by the Trial Court that the period of detention undergone by the appellant during the trial will be set off as per section 428 of the Cr.P.C. and the sentences were directed to run concurrently.

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, whether he is in custody or has been released after serving the sentence. In pursuance of the aforesaid order, a report has been received from the court of learned 3rd Additional Sessions Judge, Darbhanga, which is at Flat-‘X’. Following is the relevant extract:

“..... In this regard, a letter no. 3949 dated 11.08.2022 has been received from District Jail, Darbhanga. Wherein it has been informed that after completion of his imprisonment, above mentioned appellant namely Lalit Mallik has been released from Shaheed Khudiram Bose, Central Jail, Muzaffarpur on 28.10.2020.”

4. From perusal of the report, it is evident that the appellant has already served his sentence and has been released from custody on 28.10.2020.

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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