

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.130 of 2017**

Arising Out of PS. Case No.-19 Year-2013 Thana- BAUSI District- Araria

=====

Randhir Yadav Son of Satyadeo Yadav, resident of Doriyare, P.S. Bousi,  
District- Araria.

... .. Appellant

Versus

The State Of Bihar

... .. Respondent

=====

**Appearance :**

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

=====

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

6      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 30.09.2016 and order of sentence dated 01.10.2016 passed by the learned 1<sup>st</sup> Additional Session-cum-Special Judge, Araria in connection with Sessions Trial No. 1271 of 2013, Special POCSO Case No. 27 of 2015 (arising out of Bousi P.S. Case No. 19/2013) whereby and whereunder the appellant was held guilty by the Trial Court, for the offence under Section 376 of the Indian Penal Code and Section 4/6 of the Protection of Children from Sexual Offences Act, 2012 and the appellant was sentenced to undergo rigorous imprisonment for 10 years with a fine of Rs. 20,000/- under Section 376 of the Indian Penal Code and a further rigorous imprisonment of 10 years with a fine of Rs. 20,000/- for the offence under punishable under Section 4/6 of the POCSO Act and in



default of payment of fine, the appellant was further sentenced to undergo simple imprisonment for a period of six months. 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 28.07.2022, 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 Additional Sessions Judge-1st -cum- Special Judge, Araria, which is at Flat-'X'. Following is the relevant extract:

*“..... As per the report of Superintendent, District Jail, Araria vide its letter no. 3004/Jail dated 18.08.2022 it has been communicated that the said Randheer Yadav was received in jail custody on 29.07.2013. He spent period of 03 years 02 months and 02 days as under trial and 05 years 04 months as convict inside the jail custody. During his period of custody he earned remission of 01 year 05 months and 27 days. The fine was submitted on 06.01.2022 and the period of sentence was completed on 01.02.2022, after which the said prisoner was released.”*

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



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)**

Pankaj/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

