

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.770 of 2017**

Arising Out of PS. Case No.-213 Year-2015 Thana- KAHALGAON District- Bhagalpur

Bihari Tanti @ Pancha Tanti Son of Late Haggue Tanti Resident of Village -
Nadma, Police Station - Khalgaon, District - Bhagalpur.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Rakesh Kumar Sinha, Advocate
For the Respondent/s : Smt. Abha Singh , APP

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

8 22-08-2023 1. Mr. Rakesh Kumar Sinha, learned counsel
appearing for the appellant and Smt. Abha Singh, learned APP
appearing for the State are present.

2. It is submitted by learned counsel for the appellant
that in the present time he has no instruction to argue on behalf
of the appellant in the present appeal and moreover the appellant
might have completed his sentence of three years of
imprisonment awarded upon him under Section 8 of POCSO
Act, so the instant appeal has now become infructuous.

3. Heard both the sides.

4. The appellant was sentenced on 15.12.2016 for the
offence punishable under Section 8 of the POCSO Act and three
years of imprisonment was awarded upon him with fine of
Rs.3,000/- in default of payment of the said fine, he was



directed to further undergo one month imprisonment. At the time of pronouncement of the judgment by the convicting trial Court, the appellant was in judicial custody and during the pendency of this appeal, he was not granted bail and after passing of the judgment by the trial Court a long period, more than three years has elapsed which is sufficient to show that the appellant has completed the sentence of imprisonment of three years. Accordingly, I find the instant appeal being infructuous. In result, the instant appeal stands disposed of on account of being infructuous.

5. Let the order's copy be sent to the Jail Superintendent concerned, if the appellant is still in judicial custody then he must be released forthwith in connection with the present matter, if his custody is not required in any other case.

(Shailendra Singh, J)

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