

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**Criminal Appeal No.312-SB of 2005
Date of Decision: July 22, 2013.**

Sanjay Kumar

...Appellant

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE M.JEYAPPAUL

Present: Mr. Amit Arora, Amicus Curiae for the appellant.

Ms. Tanushree Gupta, AAG, Haryana for the State.

M. JEYAPPAUL, J.

1. The appellant Sanjay Kumar was convicted for offence under Section 367 IPC and was sentenced to undergo five years rigorous imprisonment and to pay a fine of ₹ 3000/- and in default to undergo a further period of two months rigorous imprisonment. He was also convicted for offence under Section 377 IPC and was sentenced to undergo rigorous imprisonment for seven years and to pay a fine of ₹ 5,000/- and in default to undergo a further period of three months rigorous imprisonment.

2. There was no representation for the appellant when the matter was taken up for final hearing on 08.07.2013. Shri Amit Arora, Advocate was appointed by this Court to argue the appeal on behalf of the appellant.

3. The learned A.A.G., Haryana for the State produced custody certificate which would show that the accused-appellant had been released on 25.07.2010 on completion of the sentence and payment of fine.

4. The learned counsel for the appellant Shri Amit Arora, Advocate would submit on a thorough perusal of the custody certificate produced by Learned A.A.G, Haryana for the State, that the appeal itself has become infructuous on account of the fact that the appellant had been released from jail on 25.07.2010 itself on completion of sentence and payment of fine.

5. Taking note of the above custody certificate produced and the submission made by the learned counsel for the appellant, the appeal stands dismissed as infructuous.

July 22, 2013
sunil

(M.JEYAPPAUL)
JUDGE