

Mahender Vs. State

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Court : Delhi

Decided On : Mar-14-2013

Judge : S. P. Garg

Appellant : Mahender

Respondent : State

Judgement :

\$-32 * IN THE HIGH COURT OF DELHI AT NEW DELHI DECIDED ON :

14. h March, 2013 + CRL.A. 127/2005 & CRL.M.B.1833/2006 MAHENDER
Appellant Through : None. versus STATE Respondent Through :
Mr.M.N.Dudeja, APP. CORAM: HONBLE MR. JUSTICE S.P.GARG S.P.Garg, J.

(Open Court) 1. The appellant- Mahender challenges judgment dated 18.12.2004 and order on sentence dated 03.01.2005 in Sessions Case No.89/2001 arising out of FIR No.281/2001 PS Shalimar Bagh by which he was convicted for committing offence punishable under Section 397 IPC and sentenced to undergo RI for seven years with fine ` 1,000/-. He was further convicted under Section 25/27 Arms Act and sentenced to undergo RI for two years with fine ` 500/-.

2. Allegations against the accused were that on 05.05.2001 at 09.20 A.M. at Tikona Park, Pitam Pura, he and his associates- Ramdhani, Santosh Kumar Aggarwal @ Bhaiya and Pappu robbed complainant Khairatilal of his scooter bearing No. DL 1SK 262 containing ` 60,000/. The assailants were armed with

weapons. The prosecution examined eleven witnesses to substantiate the charge. In his 313 statement, the accused pleaded false implication. On appreciation of the evidence and considering the rival contentions of the parties, the Trial Court, by the impugned judgment convicted Ramdhani and Mahender under Section 397 IPC. However, Santosh Kumar Aggarwal and Pappu were acquitted of all the charges. Being aggrieved, Mahender has preferred the appeal.

3. Nominal roll dated 15.02.2007 reveals that the appellant had already undergone 3 years, 2 months and 26 days incarceration as on 20.02.2007. He also earned remissions for 8 months and 10 days. Vide order dated 02.05.2012, it was noted that the appellant had already completed the sentence awarded to him and he has been released from jail. On 26.07.2012, learned amicus curiae informed the Court that the appellant was not contacting her and she was not aware about his whereabouts after release from jail.

4. Since the appellant has already undergone sentence awarded to him and has not contacted the counsel or has not appeared before the Court after his release from the jail, it appears that he is not interested in the prosecution of the appeal. The appeal is dismissed for non prosecution.

5. Pending application also stands disposed of infructuous. (S.P.GARG) JUDGE
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