
(2010) 09 GUJ CK 0008
In the Gujarat High Court
Case No : Criminal Appeal No. 2051 of 2005

Parsingbhai Mohammadbhai Nayak	Vs	APPELLANT
State of Gujarat		RESPONDENT

Date of Decision : 21-09-2010

Acts Referred:

Penal Code, 1860 (IPC) — Section 304(II)

Citation : (2010) 09 GUJ CK 0008

Hon'ble Judges : Z.K. Saiyed, J

Bench : Single Bench

Advocate : Devang D. Dave, for the Appellant; H.H. Parikh, Additional Public Prosecutor, for the Respondent

Judgement

Z.K. Saiyed, J.—The present appellant has preferred this Appeal through the jail against the judgment and order of conviction and sentence dated 23.9.2005 passed by the learned Presiding Officer AND Additional Sessions Judge, Camp at Chhota Udepur, in Sessions Case No. 22 of 2005, whereby the learned Sessions Judge has convicted and sentenced the appellant. The learned Judge was pleased to sentence the appellant to undergo R.I. for five years and to pay a fine of Rs. 100/-, in default, further S.I. for 15 days for the offence punishable u/s 304 (II) of the Indian Penal Code.

2. Being aggrieved and dissatisfied with the aforesaid judgment and order, the present appeal has been preferred by the appellant through the jail.

3. Today, the matter is taken for final hearing and during the course of hearing, learned APP Mr. H.H. Parikh for the respondent submitted that the present applicant has been released on 9.12.2008 from the jail and, therefore, the appeal is now become infructuous. In support of his submission, he has produced jail report, which is ordered to be taken on record. Mr. Devang Dave, as amicus curiae, has also agreed with the submission of the learned APP.

4. In view of the aforesaid statement made by the learned APP and also jail

report, the appeal is now become infructuous.

5. In view of above, the Appeal is disposed as having become infructuous. Record and proceedings to be sent back to the concerned trial Court, forthwith.