

**(2010) 09 GUJ CK 0169**  
**In the Gujarat High Court**  
**Case No : Criminal Appeal No. 2155 of 2005**

Vishnubha Metubha Zala

APPELLANT

Vs

State of Gujarat

RESPONDENT

**Date of Decision :** 21-09-2010

**Acts Referred:**

Arms Act, 1959 — Section 25(1)  
Bombay Police Act, 1951 — Section 135  
Criminal Procedure Code, 1973 (CrPC) — Section 374  
Penal Code, 1860 (IPC) — Section 114, 394, 397, 452

**Citation :** (2010) 09 GUJ CK 0169

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

**Bench :** Single Bench

**Advocate :** N.L. Ramnani, for the Appellant; H.H. Parikh, Additional Public Prosecutor, for the Respondent

## Judgement

Z.K. Saiyed, J.—The present appellant has preferred this Appeal u/s 374 of the Code of Criminal Procedure against the judgment and order of conviction and sentence dated 11.12.2003 passed by the learned Additional Sessions and Fast Track Court, Dhangadhra in Sessions Case No. 2 of 2003, whereby the learned Sessions Judge has convicted for the offences punishable under Sections 394, 397, 114 and 452 of the Indian Penal Code and u/s 25-1(c) of the Arms Act as well as u/s 135 of the Bombay Police Act. Learned trial Judge was pleased to sentence the appellant to undergo R.I. for seven years for the offence punishable under Sections 394 and 397 of the Indian Penal Code and to pay a fine of Rs. 1000/ -, in default, further R.I. for six months. For the offence punishable u/s 452 of the Indian Penal Code, the appellant was ordered to undergo R.I. for two years and to pay a fine of Rs. 500/ -, in default, further R.I. for three months. The appellant was further ordered to undergo R.I. for three months for the offence punishable u/s 135 of the Bombay Police Act.

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

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 4.6.2008 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. Ramnani, learned advocate 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.