

CR. Appl (J) 02 AT/2010

THE GAUHATI HIGH COURT

(High Court of Assam, Nagaland, Meghalaya, Manipur, Tripura, Mizoram & Arunachal Pradesh)

APPELLATE SIDE

Criminal Appl no 12200/05

District : West Siang

Revision under Section 397/401/482, Code of Criminal Procedure No.

(Through	Raja Ngomle	Appellant/Petitioner Mr Utpal Das
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Versus

Trial Court	State of Arunachal Pradesh	P.P. (A.P.) Respondent/Opposite-Party.
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Magistrate of

Date 19.

Conviction and sentence.

Appellate Court

Date 19

Serial No. of papers or orders	Date	Notes and Orders	Signature

Crl. A (J) No.2 (AP)/2010

**BEFORE
THE HON'BLE MR. JUSTICE HRISHIKESH ROY**

20-01-2011

This case was pending in the Principal Seat and has been recently received in the Itanagar Bench.

As the appellant was represented by the Amicus Curiae, engaged at the Principal Seat, none appears on his behalf when the case is called.

However Mr. I Basar, learned Addl. Public Prosecutor points out that the judgment under challenge in this appeal was rendered on 26.7.2005 by the learned Additional Sessions Judge, FTC, Basar in BSR/SESS-NO. 48/2002, whereby the appellant was convicted under Section 304 Part-I of the IPC and was sentenced to undergo rigorous imprisonment for 5 years and to pay a fine of Rs.2000/- and in default to undergo further imprisonment for 6 months.

The learned Public Prosecutor fairly submits that the appellant has already spent more than 5½ years in Jail in pursuant to his conviction and this appeal should now be closed by directing release of the appellant from custody.

Since the appellant has already spent more time in jail than he was sentenced to, following his conviction on 27.7.2005, this appeal stands disposed of by directing release of the appellant Sri Raja Ngomle, who is stated to be lodged in the North Lakhimpur District Jail, Assam.

In view of above order, the Registry is directed to forthwith inform the District Jail Authorities to ensure release of appellant Sri Raja Ngomle, if his custody is not otherwise warranted.


JUDGE

Barman