

Crl. Appeal (J) 05 AP/2010

THE GAUHATI HIGH COURT

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

APPELLATE SIDE

Criminal APPEAL (J) 99/07

District: YUPIA

Revision under Section 397/401/482, Code of Criminal Procedure
No. of 200

SRI NABAM AMAS

-----Appellant/Petitioner

(Through

Versus

STATE OF A.P

P.P. A.P.

-----Respondent/Opposite-Party

Trial Court

Magistrate of

Date 200

Conviction and sentence

Appellate Court

Date 200

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

CRL.A (J) 05 (AP) 2010

BEFORE

THE HON'BLE MR JUSTICE I A ANSARI
THE HON'BLE MR. JUSTICE P.K.MUSAHARY

07-01-2011

(Ansari, J)

Heard Mr. I. Basar, learned Additional Public Prosecutor, and Mr. K. Jini, learned Amicus Curiae.

This Criminal Appeal (J) was registered at the Principal Seat on 29-06-2007 and, on this appeal having been transferred to this Registry, the same has been renumbered as Criminal Appeal (J) 05 (AP) 2010. This appeal is directed against the judgment and order, dated 23-04-2007, passed in Sessions Case No.490/2006 (FTC) Yupia, whereby the accused had been convicted under Sections 376/302/201 IPC and he was sentenced to suffer imprisonment for life.

When we took up this appeal for fixing a date for hearing, we find that the accused-appellant had preferred another appeal, at the Principal Seat, on 25-06-2007, against the said judgment and order, dated 23-04-2007, and the said appeal gave rise to Criminal Appeal No.122 of 2007. Subsequently, on being transferred to this Bench, Criminal Appeal No.122 of 2007 came to be renumbered as Criminal Appeal No. 03 (AP) 2008 on 11.09.2008. By a judgment and order, dated 03-05-2010, the Criminal Appeal No.03 (AP) 2008 was allowed and the accused appellant was acquitted and directed to be set at liberty.

In view of the above, there is no dispute before us that this Criminal Appeal cannot survive,

particularly, when the accused-appellant has already been acquitted by the judgment and order passed by this Court, on 03-05-2010 in Criminal Appeal No.03 (AP) 2008.

Consequently, this Criminal Appeal is closed and accordingly shall stand disposed of.

Send back the LCR.


JUDGE


JUDGE

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