



2026:AHC:72886

**HIGH COURT OF JUDICATURE AT ALLAHABAD**

**JAIL APPEAL No. - 508 of 2018**

Ghanshyam

.....Appellant(s)

Versus

State of U.P.

.....Respondent(s)

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Counsel for Appellant(s) : From Jail, Seema Pandey, Shyam Sunder Mishra

Counsel for Respondent(s) : A.G.A.

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**Court No. - 93**

**HON'BLE MRS. VANI RANJAN AGRAWAL, J.**

1. Heard Ms. Seema Pandey, learned Amicus Curiae, appearing on behalf of the appellant and Ms. Divya Ojha, learned Additional Government Advocate appearing on behalf of the State.

2. This Jail Appeal has been filed against the judgement and order dated August 1, 2018 passed by learned Additional Judge, Court No.3, Fatehpur in Session Trial No.12 of 2014 (State Vs. Ghanshyam), under Section 304 I.P.C. P.S. Khaga, District Fatehpur whereby the appellant has been convicted for the offence under Section 304 I.P.C. and sentenced to undergo seven years rigorous imprisonment with a fine of Rs.5,000/- and in case of default in payment of fine the appellant shall undergo three months additional imprisonment.

3. The appeal has been filed, challenging the conviction and sentence of appellant on various grounds including earliest infirmities in appreciation of evidence of failure to consider certain material contradiction in the testimony of witnesses.

4. During the pendency of this appeal, it is brought to the notice of this Court that the appellant has already undergone the entire period of sentence imposed by the trial court.

5. Learned Amicus Curiae does not wish to press the appeal on merits as the appellant has already completed his entire sentence and has also deposited the entire fine and prays that conviction may be set aside or in the alternative, the sentence may be deemed to have been undergone.

6. Learned Additional Government Advocate for the State respondent on the strength of report of Jail Superintendent, Fatehpur dated June 20, 2022

submits that appellant after completing his entire sentence as well as default sentence awarded to him, has already been released from jail on July 31, 2020.

7. I have perused the record and considered the submissions of both parties, the appeal has been pending for a long time and as per the report of Jail Superintendent, Fatehpur dated June 22, 2022, the appellant has served all the imprisonment as well as default sentence imposed by learned trial court and has been released from jail on July 31, 2020.

8. In the aforesaid circumstances of the case where the entire sentence has already undergone and considering the nature of offence and the fact the appellant has already served out his entire sentence as well as default sentence, no useful purpose would be served by entering into a detailed examination of evidence at this stage.

9. Since the appellant has already undergone the full period of sentence as well as the default sentence pursuant to order passed by the learned trial Court, therefore, nothing further survives in this appeal for adjudication as the learned Amicus Curiae does not wish press on the merits of the appeal. Accordingly, the conviction and sentence as awarded by the trial Court is hereby upheld.

10. The appeal is **dismissed**.

11. Ms. Seema Pandey, learned Amicus Curiae appearing on behalf of the appellant has rendered her valuable assistance to the Court. She be paid Rs.10,000/-, towards her fee for the able assistance provided by her in hearing of the present appeal.

12. Let a copy of this order be communicated to the jail authorities concerned through Registrar (Compliance) of this Court.

13. A copy of this judgment alongwith the trial court record be transmitted to the Court concerned for necessary compliance. Compliance report be submitted to this Court, at the earliest. Office is directed to keep the compliance report on record.

**March 28, 2026**

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**(Mrs. Vani Ranjan Agrawal,J.)**