

## **VERDICTUM.IN**

**Court No. - 15**

**Case :-** CRIMINAL APPEAL No. - 2129 of 2023

**Appellant :-** Arvind @ Naga

**Respondent :-** State Of U.P. Thru. Prin. Secy. Home, Lko. And  
2 Others

**Counsel for Appellant :-** Pragati Singh

**Counsel for Respondent :-** G.A.

**Hon'ble Shamim Ahmed,J.**

Heard Ms. Pragati Singh, learned Counsel for the appellant, Mr. Ashok Kumar Singh, learned A.G.A-I for the State and perused the material placed on record.

Counter affidavit filed today in the Court by learned A.G.A. for the State is taken on record.

At the very outset, learned Counsel for the appellant submits that the appellant, namely-Arvind @ Naga has been convicted by the impugned judgment and order dated 28.11.2022 passed by learned Special Session Trial No.20/2018 (State vs. Arvind Naga) arising out of Case Crime No.391/2017 under Section 354(kha), 323 and 506 I.P.C., Police Station-Shahabad, District-Hardoi by means of which the appellant has been convicted under Section 354(kha) I.P.C. for a period of five years rigorous imprisonment and fine to the tune of Rs.5000/- and in default of payment of fine the appellant will serve for a period of five months additional imprisonment and the appellant has also been convicted under Section 323 I.P.C. for a period of six months rigorous imprisonment and fine to the tune of Rs.500/- and in default of payment of fine the appellant will serve 15 days additional imprisonment, and the appellant has also been convicted under Section 506 I.P.C. for a period of three years rigorous imprisonment and fine to the tune of Rs.3000/- and in default of payment of fine the appellant will serve three months additional imprisonment. No separate conviction under Section 7/8 of POCSO Act has been done, and the sentence which has been passed by the appellant in jail shall also be adjusted in the period of sentence.

Learned Counsel for the appellant further submits that the appellant is in detention since 20.12.2017 and has already undergone the period of sentence awarded to him. She further submits that now after the conviction period is over, the appellant is still in jail and is held in detention for more than eleven months, which is clear violation of **Article 21 of the Constitution of India** which provides:-

## **VERDICTUM.IN**

*"21. Protection of life and personal liberty:- No person shall be deprived of his life or personal liberty except according to procedure established by law."*

Thus, she submits that this period of detention of eleven months, which has been forced upon the appellant may be compensated in terms of money, which shall be paid by the State Exchequer.

Shri Ashok Kumar Singh, learned A.G.A-I for the State submits that he may be given sometime to seek instructions in this matter as the matter appears to be serious as to how the appellant has been detained in jail for eleven months after completing his sentence awarded by the court below.

In view thereof, learned A.G.A-I is directed to seek instructions from the Jail Superintendent, District-Hardoi. It is further directed that Jail Superintendent must file his personal affidavit clearly stating therein the reasons as to why the present appellant has been detained illegally by the jail authorities after completing his conviction/sentence period.

The Director General, Department of Prisons, Uttar Pradesh, Lucknow is also directed to file his personal affidavit clearly stating therein that till today how many convicts/prisoners are still detained in jail after completing their sentence in the entire State of Uttar Pradesh.

The Director General, Department of Prisons and Jail Superintendent, District-Hardoi, shall remain present in person before this Court to assist this Court on the next date fixed.

Accordingly, list/put up this case on 08.12.2023 at 2:15 P.M. for further orders, before this Court in the additional cause list.

Let a copy of this order be transmitted to Shri Ashok Kumar Singh, learned A.G.A-I immediately for necessary compliance, who will intimate the officers/officials concerned about the order passed today.

Let a copy of this order be sent to the Senior Registrar of this Court who shall communicate this order to the aforesaid officers for necessary compliance.

**Order Date :- 6.12.2023**

Piyush/-