

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLLP No. 28 of 2006

State of Odisha

....

Appellant

Mr. J. Katikia, Addl. Govt. Advocate

-versus-

Nabakrushna Padhi

...

Respondent

Mr. Deepak Kumar Panda, Advocate

CORAM:

THE CHIEF JUSTICE

JUSTICE R.K. PATTANAİK

Order No.

ORDER
08.08.2022

07. 1. The State of Odisha seeks leave to appeal against the judgment dated 21st May, 2005 passed by the Sessions Judge, Cuttack convicting the Respondent for the offence under Section 304 Part I IPC and sentencing him to rigorous imprisonment for a period of seven years.
2. As it turns out, during pendency of the present appeal the Respondent served out the entire sentence and earned a remission of three months and nine days for good behavior and he was out of jail on 21st April, 2008 i.e. more than 14 years ago.
3. Further, on examining the trial Court judgment in the light of the evidence discussed, the view taken by the trial Court appears to be a plausible one and does not call for interference.

4. For all of the aforementioned reasons, the Court declines to leave the appeal to the State. The appeal is accordingly dismissed.

(Dr. S. Muralidhar)
Chief Justice

(R.K. Pattanaik)
Judge

S.K. Jena/Secy.

