

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLREV No.131 of 2006

Rameswar Rana and another

Petitioners
....
Mr. S. K. Joshi, Advocate

-versus-

State of Odisha

Opposite Party
...
Mr. J. Katikia, AGA

**CORAM:
THE CHIEF JUSTICE**

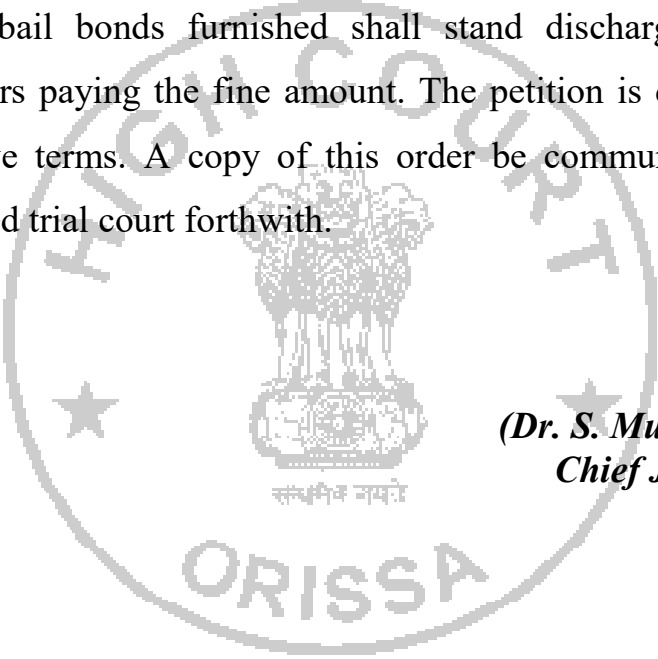
Order No.

**ORDER
09.09.2022**

05. 1. The challenge in this petition is to an order dated 1st February, 2006 passed by the learned Additional District Judge, Nuapada (ADJ) in CRLA No.23 of 2003 whereby while upholding the conviction awarded by the SDJM, Nuapada by the judgment dated 21st October, 2003 in G.R. Case No.9 of 2002, the order of conviction was modified from under Section 325 read with Section 34 IPC to under Section 323 read with Section 34 IPC.
2. Having heard leaned counsel for the parties and having perused the impugned orders of the trial Court as well as the First Appellate Court, the Court is not persuaded that any error has been committed by the First Appellate Court in modifying the conviction to one Section 323/34 IPC.
3. As far as the sentence is concerned, it is seen that the SDJM had while convicting the Petitioners for the offence punishable under Section 325 read with Section 34 IPC sentenced each of the

Petitioners to simple imprisonment (SI) for 6 months with fine of Rs.1,000/- each and in default to undergo SI for 3 months. On the other hand, the learned ADJ in appeal while modifying the conviction to one under Section 323/34 IPC, was silent as regards the sentence. Having considered the impugned orders, and the submissions made, this Court while maintaining the conviction of the Petitioners for the offence under Section 323/34 IPC sentences them to fine of Rs. 1000/ each and in default to undergo SI for 3 months.

4. The bail bonds furnished shall stand discharged upon the Petitioners paying the fine amount. The petition is disposed of in the above terms. A copy of this order be communicated to the concerned trial court forthwith.

The seal of the Orissa High Court is a circular emblem. It features the State Emblem of India at the top center, which is a four-lion capital of an abacus. Below the emblem is the motto 'सत्यमेव जयते' in Devanagari script. The word 'ORISSA' is written in large, bold, capital letters at the bottom. The words 'HIGH COURT' are written in a semi-circle along the top inner edge of the seal. There are two stars on either side of the central emblem.

(Dr. S. Muralidhar)
Chief Justice

M. Panda