

IN THE HIGH COURT OF ORISSA AT CUTTACK

JCRLA No.32 of 2017

Manglu Singh

....

Appellant

Mr. Biswajit Nayak,
Amicus Curiae

-versus-

State of Odisha

....

Respondent

Mr. Arupananda Das,
Addl. Government Advocate

CORAM:

JUSTICE S.K. SAHOO

ORDER

19.10.2022

Order No.

03.

This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

When the matter was called in the first hour, Mr. Basanta Kumar Das, Advocate, who has been engaged as the counsel for the appellant as per order dated 04.09.2017, was found absent. Since the appeal is of the year 2017, Mr. Biswajit Nayak, learned counsel, who is present in the Court and is having vast experience in conducting criminal cases both in the trial Court as well as this Court, is appointed as Amicus Curiae to argue the appeal on behalf of the appellant. He has been handed over a copy of the paper book to prepare with the case and the matter has been adjourned to after lunch.

(S.K. Sahoo)
Judge

After lunch

Heard Mr. Biswajit Nayak, learned Amicus Curiae

appearing for the appellant and Mr. Arupananda Das, learned Additional Government Advocate appearing for the State of Odisha.

Hearing is concluded and the judgment is dictated in open Court vide separate sheets.

The Jail Criminal Appeal is dismissed. The conviction of the appellant under section 304 Part-II of the Indian Penal Code and the sentence passed thereunder is confirmed.

It appears that the appellant was taken into judicial custody in connection with this case on 08.12.2013 and neither he was on bail during trial nor he was granted bail by this Court during pendency of the Jail Criminal Appeal and thus, he has not only undergone substantive sentence of seven years but also the default sentence for non-payment of fine amount for such offence. Therefore, if the appellant has not yet been released from jail custody, he shall be set at liberty forthwith, if his detention is not otherwise required in any other case.

(S.K. Sahoo)
Judge

PKSahoo