

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.922 of 2012

Prasanna Kumar Patra.

....

Petitioner

-versus-

State of Odisha & another.

....

Opposite Parties

CORAM: JUSTICE S.PUJAHARI

ORDER

09.05.2022

Order No.

04.

1. This matter is taken up through Hybrid mode.
2. The petitioner in this application under Section 482 of the Code of Criminal Procedure (for short “Cr.P.C.”) seeks to waive out the order dated 14.03.2012 passed by the learned Sessions Judge, Balasore in Criminal Appeal No.8 of 2012 directing suspension of sentence and realization of compensation amount subject to deposit of Rs.15,000/- in shape of fixed deposit before the learned Court below.
3. Heard the learned counsel for the petitioner and the learned counsel for the State. None appears for the opposite party no.2.

4. Learned counsel for the petitioner would submit that the learned while granting stay of realization of compensation could not have imposed the security of Rs.15,000/- in the appeal. He further submits that though there is an amendment in the meanwhile, the Court has the authority to direct minimum 20%, but the case being one prior to the aforesaid amendment and the order impugned was also passed prior to the same, this Court should not take note of the same while passing the impugned order.

5. No doubt, the petitioner's contention that when a case is admitted, compensation is to be awarded. But, here in this case, for suspension of sentence the deposit of cash security of Rs.15,000/- having been imposed, it cannot be said that the petitioner was asked to deposit the compensation. Therefore, the impugned order cannot be found fault with.

6. Accordingly, this CRLMC filed challenging the impugned order being devoid of merit stands dismissed. Interim order dated 20.04.2012 passed by this Court stands vacated. The petitioner is directed to comply with the condition imposed vide the impugned order by furnishing the appropriate bail bond and security. The learned appellate Court is also directed to take up the criminal appeal for hearing as expeditiously as possible and disposed of the same not later than two months from the date of receipt of the certified copy of this order.

7. However, it is made clear that if the petitioner does not comply with the impugned order passed by the learned Appellate Court, the trial Court shall take coercive steps against him to commit him to jail to undergo the sentence imposed by issuing necessary warrant for his apprehension and intimate the same to the learned Appellate Court.

8. A copy of this order be communicated to the learned Appellate Court as well as the trial Court forthwith.

MRS

