

IN THE HIGH COURT OF ORISSA AT CUTTACK

JCRLA No.29 of 2017

Biswanath Badaik* *Appellant

Mrs. Soma Pattnaik, Advocate
Mr. Raja Kumar Pati, Advocate

-versus-

State of Odisha* *Respondent

Mr. Debasis Biswal,
Addl. Standing Counsel

CORAM:

JUSTICE S.K. SAHOO

ORDER

19.10.2022

Order No.

03. This matter is taken up through Hybrid Arrangement (Video Conferencing/Physical Mode).

Heard learned counsel for the appellant and learned Additional Standing Counsel for the State.

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

The conviction of the appellant of the charge under sections 307/326 of the Indian Penal Code stands confirmed. It appears that the appellant was taken into judicial custody in connection with this case on 29.04.2016 and neither he was on bail in the trial Court nor he was granted bail by this Court during pendency of the Jail Criminal Appeal and as such he

has already undergone substantive sentence of almost six and half years. The substantive sentence for the offence under section 307 of the Indian Penal Code in directing the appellant to undergo sentence of R.I. for ten years is reduced to the period already undergone. In view of the poor financial condition of the appellant, the imposition of fine amount and the default sentence for his conviction under section 307 of the Indian Penal Code is hereby set aside. No separate sentence was awarded for the offence under section 326 of the Indian Penal Code in view of section 71 of the Indian Penal Code by the learned trial Court which is quite justified.

Therefore, the appellant be set at liberty forthwith, if his detention is not required in any other case.

Subject to modification of sentence, the JCRLA stands dismissed.

RKM

(S.K. Sahoo)
Judge