

IN THE HIGH COURT OF ORISSA AT CUTTACK

JCRLA No.42 of 2016

Rabindra Mallik

....

Appellant

Mr. Malaya Ranjan Behera,
Advocate

Mr. Mahesh Das, *Advocate*

-versus-

State of Odisha

....

Respondent

Mr. Arupananda Das,
Addl. Government Advocate

CORAM:

JUSTICE S.K. SAHOO

ORDER

14.07.2022

Order No.

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

Heard Mr. Mahesh Das, learned counsel for the appellant and Mr. Arupananda Das, learned Additional Government Advocate 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 subject to modification in the sentence. The substantive sentence imposed by the learned Sessions Judge -cum- Special Judge, Ganjam, Berhampur in 2(a)

C.C. No.07 of 2011N (T.R. No.12 of 2011) is reduced from twelve years to ten years and the fine amount imposed by the learned trial Court stands confirmed but the default sentence awarded by the learned trial Court is reduced from two years to one year.

It is stated that the appellant was taken into judicial custody in connection with this case on 02.07.2011 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. Therefore, he has already undergone eleven years of substantive sentence which satisfies the substantive sentence of ten years and default sentence of one year.

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

(S.K. Sahoo)
Judge

RKM