

IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLA No.181 of 2011

Sri Bholi @ Bholanath Mallik *Appellant*
Mr. B.K. Behera, Adv.

-versus-

State of Odisha *Respondent*
Mr. S.K. Nayak, AGA

CORAM:
MR. JUSTICE D. DASH
DR. JUSTICE S.K. PANIGRAHI

Order
No.

ORDER
03.11.2022

14. 1. This matter is taken up through hybrid arrangement (virtual / physical) mode.
2. Learned counsel for the parties are present. Judgment prepared in separate sheets is delivered and pronounced in open Court in the presence of learned counsel for the parties and the order is passed accordingly as follows:-
3. This proposition fully applies to the circumstances of the present case. In her dying declaration, the deceased clearly implicated her husband-the appellant for inflicting physical torture and setting fire at her by dousing her with kerosene. On the circumstances enumerated above which have been established by the prosecution, this Court has no hesitation to come to the

conclusion that the charge of murder has been proved beyond reasonable doubt as against the accused Appellant. No plausible explanation has been offered by the Appellant to the incriminating evidence proved against him. He sheltered himself under the usual plea of false implication and took the stance that the dying declaration has been manufactured by the Police to use the same against him. In the final evaluation, this appeal, being devoid of merits, is liable to fail and the judgment of conviction and order of sentence dated 12.01.2011 passed by the learned Additional District and Sessions Judge, Jajpur in C.T. (Sessions) No.51 of 2010 convicting and sentencing the Appellant as stated supra is maintained.

4. The appeal stands dismissed.

5. The Office to send a copy of the judgment and the L.C.R. to the trial court forthwith.

(D. Dash)
Judge.

(Dr. S.K. Panigrahi)
Judge.