

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLA No.70 of 2016

State of Odisha

....

Appellant

*Mr. S.S. Pradhan,
Addl. Government Advocate*

-versus-

Md. Arif @ Halla

....

Respondent

Mr. D.K. Mohapatra, Advocate

**CORAM:
JUSTICE S.K. SAHOO**

ORDER

07.03.2022

Order No.

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

Mr. ★ S.S. Pradhan, learned Additional Government Advocate on instruction as per order dated 14.02.2022 submitted that against the impugned judgment and order dated 24.02.2011 passed by the learned Chief Judicial Magistrate -cum- Asst. Sessions Judge, Sundargarh in S.T. Case No.114/29 of 2010 in convicting the appellant under section 325 of the Indian Penal Code and sentencing him to undergo R.I. for a period of one year and to pay a fine of Rs.1,000/- (rupees one thousand), in default, to undergo R.I. for a period of one month, the respondent preferred an appeal in the Court of Session and the learned Appellate Court altered the

conviction to one under section 324 of the Indian Penal Code and reduced the sentence from R.I. for a period of one year to R.I. for a period of six months. He further submitted that he has instruction that the respondent has not challenged the learned Appellate Court's order before this Court by filing a Criminal Revision.

Learned counsel for the respondent has also not disputed the same.

Since this appeal is for enhancement of sentence awarded to the respondent by the learned trial Court for his conviction under section 325 of the Indian Penal Code and the said sentence has already been altered to one under section 324 of the Indian Penal Code and the sentence has been reduced by the learned Appellate Court and the State has not preferred any appeal challenging the judgment and order of the learned Appellate Court, this Criminal Appeal is not maintainable.

Accordingly, the CRLA is disposed of.

Urgent certified copy of this order be granted on proper application.

(S.K. Sahoo)
Judge