

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**CRLMA No.239 of 2022**

***Bijaya Kumar Nayak* .... *Petitioner***

Mr. S. Mohanty, Advocate

*-versus-*

***Biswajit Pothal* .... *Opp. Party***

**CORAM:**

**JUSTICE S.K. SAHOO**

**ORDER**

**15.09.2022**

**Order No.**

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

Learned counsel for the petitioner submitted that the petitioner preferred CRLREV No.275 of 2016 challenging the order of conviction under section 138 of the N.I. Act and imposing on sentence of S.I. for a period of six months and fine of Rs.10,000/- (rupees ten thousand), in default, to undergo further S.I. for a period of six months by the learned J.M.F.C., Jagatsinghpur in 1.C.C. Case No.32 of 2009 (Trial No.193 of 2010), which was confirmed by the learned Additional Sessions Judge, Jagatsinghpur in Crl. Appeal No.14 of 2010. He further submitted that for non-filing

of the certified copy of the trial Court judgment as per the order dated 30.11.2016, the revision petition was dismissed and in the meantime, the petitioner has been taken into custody to serve the sentence as imposed by the learned trial Court.

Learned counsel for the petitioner files the certified copy of the trial Court judgment with a memo and submitted that if in this revision petition is not restored to file, the petitioner will be seriously prejudiced. The certified copy of the trial Court judgment be taken on record in CRLREV No.275 of 2016.

Considering the submission made by the learned counsel for the petitioner and since it is a case of conviction, I am inclined to restore the CRLREV No.275 of 2016 to file.

The CRLMA is disposed of.

CRLREV No.275 of 2016 be listed on 20.09.2022 for admission.

**( S.K. Sahoo )**  
**Judge**

RKM