

IN THE HIGH COURT OF ORISSA AT CUTTACK

JCRLA No.121 of 2017

Nila Muna

....

Appellant

Mr. Akhaya Kumar Beura,
Amicus Curiae

-versus-

State of Odisha

....

Respondent

Mr. Rajesh Tripathy,
Addl. Standing Counsel

CORAM:

JUSTICE S.K. SAHOO

ORDER

19.10.2022

Order No.

02.

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

When the matter was called, Mr. Arunendra Mohanty, Advocate, who has been engaged as the counsel for the appellant as per order dated 09.04.2018, was found absent.

Since the appeal is of the year 2017, Mr. Akhaya Kumar Beura, learned counsel, who is present in the Court and is having vast experience in conducting criminal cases, is appointed as Amicus Curiae to argue the appeal on behalf of the appellant. He has been handed over a copy of the paper book to prepare with the case.

Heard Mr. Akhaya Kumar Beura, learned Amicus

Curiae appearing for the appellant and Mr. Rajesh Tripathy, learned Additional Standing Counsel appearing for the State of Odisha.

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

The Jail Criminal Appeal is allowed in part. The conviction of the appellant of the charge under section 307 of the Indian Penal Code is hereby set aside and the conviction of the appellant of the charge under section 324 of the Indian Penal Code and the sentence passed thereunder is confirmed.

It appears that the appellant was taken into judicial custody in connection with this case on 14.03.2016 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 thus, he has already undergone substantive sentence which has been imposed by the learned trial Court and also confirmed by this Court for the offence under section 324 of the Indian Penal Code. Therefore, if the appellant has not yet been released from jail custody, he shall be set at liberty forthwith, if his detention is not required otherwise in any other case.

(S.K. Sahoo)
Judge