

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMA No.285 of 2022

Kailash Chandra Khatua ***Petitioner***

Mr. Deepak Gochhayat, Advocate

-versus-

Jagannath Service Co-Op. ***Opposite Party***
Society, Balasore & another

Mr. A. Pradhan, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
02.11.2022

Order No.

- 01.
1. This matter is taken up through hybrid mode.
 2. Heard learned counsel for the Petitioner and the learned counsel for the State.
 3. The Petitioner was allowed to be released on bail by the learned Sessions Judge, Bhadrak by order dated 23.03.2018 in Criminal Appeal No.9 of 2018 and while doing so, learned Court directed for suspension of sentence subject to the Petitioner depositing a sum of Rs.75,000/- (rupees seventy five thousand) within a period of fifteen days of the order dated 23.03.2018.
 4. It is submitted by the learned counsel for the Petitioner that due to penury, the Petitioner could not deposit the amount within the time stipulated and as such he has been taken to custody on 16.09.2022 and by the impugned order dated 22.09.2022, learned Sessions Judge, Bhadrak failing to appreciate the hardship of the Petitioner has rejected his prayer for extension of time to deposit the

sum of Rs.75,000/- and suspended execution of sentence till conclusion of appeal.

5. Learned counsel for the Petitioner submits that non-deposit of the aforesaid amount was not intentional but due to circumstance beyond the control of the Petitioner and taking into account his age, a liberal view ought to have been taken by the learned Sessions Judge, Bhadrak.

6. Prima facie this Court does not find any infirmity in the order passed by the learned Sessions Judge, Bhadrak keeping in view that the initial order was passed on 23.03.2018 about more than four years back.

7. Keeping in view the age of the Petitioner and the reason as advanced in the petition, this Court is persuaded to extend the period of deposit of Rs.75,000/- (rupees seventy five thousand), as directed by the learned appellate court by its order dated 23.03.2018 for a further period of one month from today.

8. In the event the Petitioner deposits the amount of Rs.75,000/- (rupees seventy five thousand) on or before 02.12.2022, learned Court in seisin shall direct release of the Petitioner on terms to be fixed by the trial court. On such deposit, the amount shall be dealt with in the manner as stated in the order dated 23.03.2018 passed by the learned Sessions Judge, Bhadrak in Criminal Appeal No.9 of 2018.

9. The impugned order dated 22.09.2022 passed by the learned Sessions Judge, Bhadrak in Criminal No.9 of 2018 stands modified accordingly.

10. The CRLMA is accordingly disposed of.

11. Urgent certified copy of this order be issued as per rules.

(V. NARASINGH)
Judge

PKS