IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLREV NO.746 of 2026
CNR NO. ODHC010734772026

(In the matter of application under Section 401 of Code of Criminal Procedure read with Section 442 of BNSS).

Puspanjali Maharana … ***Petitioner***

-versus-

Siba Sankar Choudhury … ***Opposite Party***

For Petitioner : ***Mr. D. Sahoo, Advocate along with Mr. A.P. Bose, Advocate***

For Opposite Party : ***Mr. R.K. Upadhyay, Advocate***

CORAM: JUSTICE G. SATAPATHY

DATE OF HEARING & JUDGMENT:06.11.2026(ORAL)

G. Satapathy, J.

1. This Criminal Revision is directed against the impugned confirming judgments of conviction and sentence passed by the learned Appellate Court against the revision-Petitioner for commission of offence U/S. 138 of NI Act.

2. By the impugned judgment in ICC Case No. 276 of 2023 (Trial No. 537 of 2023) which was confirmed in the appeal by learned 2nd Addl. Sessions Judge, Berhampur in Criminal Appeal No. 16 of 2025, the revision-Petitioner has been sentenced to undergo Simple Imprisonment (SI) for a

period of nine months and to pay a sum of Rs. 9,76,344/- to the complainant as compensation U/S. 357(3) of CrPC r/w Section 117 of NI Act, in default of payment of compensation, the revision-Petitioner has been directed to undergo further SI for a period of three months with stipulation of default sentence not to run concurrently with substantive sentence.

3. Heard, Mr. Dushmanta Sahoo, learned counsel appearing along with Mr. Amit Prasad Bose, learned counsel for the revision-petitioner and Mr. Ranjan Kumar Upadhyay, learned counsel for the complainant-OP in the matter and perused the record.

4. The facts being largely undisputed are not reiterated to avoid prolixity, but it is clarified that the husband of the convict-revision petitioner has sworn an affidavit by stating therein that the convict does not want to challenge her conviction, but prays for reduction of sentence for the period already undergone in custody. It is further stated in such affidavit that the Petitioner has no means to pay the cheque amount of Rs. 5,28,172/-. On the other hand, the custody certificate of the revision-Petitioner as

produced by learned State counsel reveals that the convict has already undergone custody period of 222 days as on 30.10.2026 and thereby, the convict-revision-Petitioner must have undergone 229 days as on today. It is also not disputed that the revision-Petitioner is a lady and she is currently undergoing sentence in custody. Besides, Mr. Dushmanta Sahoo, learned counsel who is assisting Mr. Amit Prasad Bose, learned counsel for the Petitioner submits on instruction that the convict-revision Petitioner does not want to challenge her conviction for the offence, but only limits her prayer for reduction in sentence.

5. In the aforesaid facts and circumstance and on consideration of the materials placed on record together with the impugned judgment passed by the learned trial Court and the Appellate Court and taking into account the fact that the convict does not want to challenge her conviction, this Court does not find any error on the impugned judgments, even on merits but since the convict has prayed for reduction in sentence, this Court wants to examine such issues. Admittedly, the convict-cum-revision Petitioner is a lady, but she has advanced a cheque of Rs. 5,28,172/- towards

payment of purchase of woods from the complainant on credit which was done pursuant to an agreement entered into by the convict and the complainant, however, when the cheque was presented, the same got dishonored and for that, the convict is undergoing sentence being found to have committed the offence U/S. 138 of the NI Act. It is also not in dispute that the convict is aged about 40 years and she has already suffered a substantive sentence of more than seven months, but she has been sentenced to undergo substantive imprisonment for nine months. The intention of legislation on sentencing is not to punish the offender as a retribution, however, to act as a deterrence and its intention is never to finish the criminal, rather to finish the crime. It is also brought to the notice of the Court that the convict is having two minor children and the husband in her house, but keeping the convict in custody further would definitely deprive the children from their legitimate love and affection. Besides, even the substantive sentence is reduced to the period already undergone, but the compensation as directed by the learned convicting court is still recoverable from the convict in accordance with law.

6. In the aforesaid facts and situation and on consideration of the circumstance peculiar to the convict and taking into account her custody for a duration of more than seven months, this Court considers that interest of justice would be best served, if the substantive sentence of the convict is reduced to the period already undergone and she being directed to undergo only default sentence of 30 days, if the compensation is not paid. Accordingly, the substantive sentence of the convict is reduced and modified to the period already undergone

7. In the result, the CRLREV stands dismissed, but the sentence stands modified to the extent indicated above. Consequently, the impugned judgments are hereby confirmed and the convict has only to undergo the default sentence, if the compensation amount is not paid.

(G. Satapathy)
Judge

Orissa High Court, Cuttack,
Dated the 9th day of November, 2026/Priyajit

Signature Not Verified
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Reason: Authentication
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