IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLREV NO.733 of 2026
CNR NO. ODHC010744642026

(In the matter of application under Section 442 read with Section 438 of BNSS).

Lakha Urma and others … ***Petitioners***

-versus-

State of Orissa … ***Opposite Party***

For Petitioners : ***Mr. S. Dwibedi, Advocate***

For Opposite Party : ***Mr. S.K. Rout, Addl. PP***

CORAM: JUSTICE G. SATAPATHY

DATE OF HEARING & JUDGMENT:31.10.2026(ORAL)

G. Satapathy, J.

CRLREV No.733 of 2026 & IA No.1139 of 2026

1. This judgment shall not only dispose of the present Criminal Revision on merit, but also the IA No.1139 of 2026 filed U/S.5 of the Limitation Act to condone the delay of 5268 days in preferring the Criminal Revision against the impugned judgment of conviction and sentence passed by the Additional Sessions Judge, Boudh in CRA No.28 of 2011 against the revision-petitioners upholding their conviction for offences U/Ss.341/324/34 of IPC and sentencing each of them to undergo Simple

Imprisonment (SI) for one month for offences U/Ss.341/34 of IPC and to undergo Rigorous Imprisonment (RI) for one year for offences U/Ss.324/34 of IPC, while setting aside their conviction and sentence for offence U/Ss.307/34 of IPC.

2. The revision-petitioners were in fact convicted and sentenced by the learned Assistant Sessions Judge; Boudh vide judgment dated 02.11.2011 passed in ST Case No.2 of 2010 for offences U/Ss.341/324/307/34 of IPC and they were, accordingly, sentenced to undergo RI for five years with fine of Rs.5,000/-, in default whereof, to undergo RI for six months for offences U/S.307/34 of IPC, in addition to the sentence for offences U/Ss.341/324/34 of IPC as indicated *supra.*

3. Heard, Mr. Suryakanta Dwibedi, learned counsel for the revision-petitioners and Mr. S.K. Rout, learned Additional Public Prosecutor in the matter and perused the record.

4. Admittedly, the present revision has in fact been filed with a delay of 5268 days, but it has been advanced for the revision-petitioners that they are not interested to

challenge their conviction and their only prayer is confined to modification of sentence by liberally condoning the delay. It is, however, not in dispute that the revision-petitioners had in fact faced the trial, got convicted and also partly suffered some amount of sentence as a pre trial detention and the detention after their conviction in appeal, but subsequently, they were released on bail during the pendency of the appeal on 24.11.2011. It is specifically contended that since the revision-petitioners are poor villagers and they had been to outside State for earning of their livelihood and thereby, they were ignorant about the confirmation of their conviction and sentence for offences U/Ss.324/34 of IPC in the Appeal and, therefore, they could not appear before the Court concerned to suffer the sentence, however, they have been subsequently taken into custody since 04.09.2026 and they are in custody since then.

5. Indisputably, the revision-petitioners have approached this Court with a huge delay, but they are right now in custody and, thereby, their personal liberty has been curtailed, but the same is in accordance with law.

Besides, the conviction and sentence of the petitioners are already confirmed only for offences U/Ss.341/324/34 of IPC and they have already suffered incarceration for a period of 98 days as a cumulative detention in trial, appeal and thereafter. On the other hand, it has already been made clear that the revision-petitioners do not intend to challenge their conviction, but they are praying for reduction in sentence. It is not in dispute that the occurrence took place on 08.10.2009 and in the meantime, 17 years have already elapsed. In addition, the occurrence took place probably on a spur of moment as evident from the evidence of injured witness-PWs.2 & 3, since PW2 had testified in the Court that the revision-petitioners assaulted them by abusing them for the land in question, in which PW2 was ploughing. It was no doubt stated by PWs.2 & 3 that they had suffered some injuries on their heads, but the medial evidence as tendered by PW1 discloses that PWs.2 & 3 had suffered one injury each and PW1-the Doctor had also admitted in cross-examination that no force was applied for causing the injuries on PWs.2 & 3. Besides, PW1 had opined that the injuries sustained by the PWs.2 & 3 were simple in nature.

6. The intention of legislature in enacting the penal law is not to finish the criminal, but to finish the crime and whenever there is chance of reformation, the Court instead of imposing substantive sentence on the offender should explore the possibility of reforming him. It is also not in dispute that the petitioners had in fact land dispute with the injured-PW2 and the occurrence had taken place when PW2 was ploughing the disputed land. Further, Section 324 of IPC provides punishment for voluntarily causing hurt by dangerous weapons or means. Be that as it may, the petitioners have already suffered incarceration for a period of near about 100 days and they must have felt the rigor of law in remaining in custody for not appearing before the Court to receive the sentence or challenging the judgment passed by the appellate Court in revision within the time, but the liberty of a person is in fact dearest to him.

7. In the aforesaid facts and situation and taking into consideration the totality of evidence on record by keeping in view the conviction and sentence of the revision-petitioners for offences U/Ss.341/324/34 of IPC

and the revision-petitioners having not intended to challenge their conviction, but confine their prayer limited for reduction in sentence, this Court considers that interest of justice would be best served, if the delay of 5268 days in preferring this Criminal Revision is condoned and the sentence of the revision-petitioners for offences U/Ss.341/324/34 of IPC is considered to be sufficient for the period already undergone. Accordingly, the sentence of the revision-petitioners is modified to the period already undergone.

8. In the result, the CRLREV stands dismissed with confirmation of the conviction of the revision-petitioners for offences U/Ss.341/324/34 of IPC, but their sentence stands modified to the period already undergone. The IA No.1139 of 2026 for condonation of delay is accordingly disposed of.

(G. Satapathy)
Judge

Signature Not Verified
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Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 02-Nov-2026 16:36:43

Orissa High Court, Cuttack,
Dated the 30th day of October, 2026/Subhasmita