IN THE HIGH COURT OF ORISSA AT CUTTACK
JCRLA No.95 of 2022
CNR No. ODHC010902172022

Jaga @ Jugala Kandi **.....** ***Appellant***

Represented by Adv. - M/s. Ms. S. Patro, Adv. on behalf of Ms. Rita Singh

-versus-

State Of Odisha **.....** ***Respondent***

Represented by Adv. – R.B. Dash, ASC

CORAM:
CORAM: JUSTICE SIBO SANKAR MISHRA

ORDER
12.11.2026

Order No.

19. **1.** Heard learned counsel for the appellant and learned counsel for the State-respondent.

2. The appellant has been convicted under section 376(2)(i) of the IPC read with Section 6 of the POCSO Act and was sentenced to undergo rigorous imprisonment for ten years and to pay a fine of Rs.10,000/-, in default, to undergo R.I. for six months for the offence under section 376(2)(i) of IPC by the learned Addl. District Judge-cum-Special Court under POCSO Act, Puri in T.R. No.6 of 2018.

3. Vide order dated 29.07.2026, this Court sought for an information regarding period of custody already undergone by the appellant. On receipt of the information, the following order was passed on 02.09.2026:-

Pursuant to the order dated 29.07.2026, learnedcounsel for the State has placed on record theCustody Certificate as well as the Jail Conduct reportdated 21.08.2026 received from the Superintendent,District Jail, Puri. The Custody Certificate indicatesthat the appellant has already undergone 9 years, 10 months and 13 days in custody. The report alsoindicates that the jail conduct of the appellant issatisfactory. The said reports are taken on record.However, the IIC, Konark Police Station has filed thecriminal antecedent of the appellant dated22.08.2026, which indicates that the appellant isinvolved in three other cases. Copy of the said reportbe supplied to the learned counsel for the appellant,who shall file a comprehensive affidavit in that regardby the next date.

4. The matter was thereafter adjourned to 04.11.2026. On the said date, learned counsel for the appellant submitted that, in view of the fact that the appellant had already undergone the sentences awarded to him, instructions were required to be obtained as to whether the appellant intended to pursue the appeal any further or not.

5. Today, learned counsel for the State has placed on record the Custody Certificate of the appellant dated 11.11.2026, which also indicates that the appellant has already undergone the entire sentence imposed upon him. The said Custody Certificate is taken on record.

6. In view of the aforesaid position, learned counsel for the appellant, on instructions, submits that since the appellant has already served out the entire sentence awarded to him, he does not intend to press the appeal insofar as the challenge to his conviction is concerned.

7. In view of the submission made by learned counsel for the appellant on instructions, the appeal is dismissed as not pressed.

(Sibo Sankar Mishra)
Judge

Rati/Subhasish

Signature Not Verified
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Signed by: RATI RANJAN NAYAK
Reason: Authentication
Location: OHC
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