

(2021) 12 OHC CK 0064
In the Orissa High Court
Case No : CRLREV No.26 Of 2021

Disayel @ Tulu Suna

APPELLANT

Vs

State Of Odisha

RESPONDENT

Date of Decision : 09-12-2021

Acts Referred:

Code of Criminal Procedure, 1973 — Section 389
Indian Penal Code, 1860 — Section 366, 376

Citation : (2021) 12 OHC CK 0064

Hon'ble Judges : Savitri Ratho, J

Bench : Single Bench

Advocate : Basudev Mishra, K.K.Nayak

Final Decision : Dismissed

Judgement

Savitri Ratho, J

I.A. No.47 of 2021

This matter is taken up through hybrid mode.

Heard Mr.Basudev Mishra, learned counsel for the petitioner and Mr.K.K.Nayak, Addl. Standing Counsel.

This is an application under Section 389 Cr.P.C. for grant of bail to the petitioner-Disayel @ Tulu Suna during pendency of the Criminal Revision.

The petitioner has challenged the judgment of conviction and order of sentence dated 20.01.2015 passed by the learned Asst. Sessions Judge (Special Track Court), Nabarangpur in C.T. No.59 of 2013 wherein the petitioner has been convicted under Sections 376/366 IPC and to undergo R.I. for a period of 7 years and to pay a fine of Rs.5,000/-, in default of payment of fine to undergo R.I. for a further period of 6 months for offence under Section 376 IPC and to undergo R.I. for a period of 2 years and to pay a fine of Rs.2000/-, in default to undergo R.I. for a further period of three months for the offence under Section 366 IPC.

The aforesaid judgment and order was confirmed by the learned Addl. Sessions Judge, Nabarangpur vide judgment and order dated 24.12.2018 in Criminal Appeal No.2 of 2015.

After perusal of the evidence of P.W.1 and P.W.3, I am not inclined to release the petitioner on bail at this stage.

The I.A. is accordingly dismissed.

I.A. No.48 of 2021

Heard.

There shall be stay of realization of fine till disposal of the Criminal Revision.

CRLREV No.26 of 2021

List this matter on 10.03.2022.

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