

(2021) 11 OHC CK 0152
In the Orissa High Court
Case No : CRLREV No.189 Of 2002

Dologobinda Pradhan And Others

APPELLANT

Vs

State Of Odisha

RESPONDENT

Date of Decision : 24-11-2021

Acts Referred:

Indian Penal Code, 1860 — Section 323

Citation : (2021) 11 OHC CK 0152

Hon'ble Judges : Savitri Ratho, J

Bench : Single Bench

Advocate : T.Mohapatra, G.Mohapatra, P.C.Das, Nilakantha Das

Judgement

Savitri Ratho, J

This matter is taken up through hybrid mode.

Heard Ms. T.Mohapatra, learned counsel on behalf of Mr.G.Mohapatra, learned counsel for the petitioner.

An affidavit has been filed by petitioner No.1-Dologobinda Pradhan who has stated that petitioner No.2-Nandu Pradhan who was aged about 72 years at the time of filing of Criminal Revision has died on 1.2.2006. He has also stated that petitioner No.3-Baidhar Pradhan who was aged about 64 years at the time of filing of Criminal Revision has died on 19.7.2008. He also submits that since both of them had died natural deaths, the death certificates have not been obtained.

I.A. No.677 of 2021 has been filed along with an affidavit of Shri Banamali Mishra, represented by Mr. Nilakantha Das Advocate who states that he is P.W.3 in the trial court. He further states that Aparti Mishra the informant in the case who was P.W.1 has died since more than 17 years age and late Aparti Mishra happens to be his great grand father and they belong to one family. He further submits that since the parties are living peacefully having cordial relationship, this Court may compound the offence against petitioner No.1-Dolagobinda

Pradhan who has been convicted under Section 323 I.P.C. and sentenced to undergo simple imprisonment for three months.

Mr. P.C.Das, learned Addl. Standing Counsel is directed to obtain instruction regarding the submission pertaining to death of petitioner No.2 Nandu Pradhan and petitioner No.3 Baidhar Pradhan from the I.I.C., Anandapur in the district of Keonjhar.

List this matter on 13.12.2021.

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