

(2023) 10 OHC CK 0013
In the Orissa High Court
Case No : Criminal Appeal No.1043 Of 2023

Saroj Kumar Nayak

APPELLANT

Vs

State Of Odisha

RESPONDENT

Date of Decision : 03-10-2023

Acts Referred:

Indian Penal Code, 1860 — Section 120B, 406, 420
Prize Chit Money Circulation (Banning) Act, 1978 — Section 4, 5

Citation : (2023) 10 OHC CK 0013

Hon'ble Judges : S.K. Sahoo, J

Bench : Single Bench

Advocate : T.K. Acharya, Priyabrata Tripathy

Final Decision : Disposed Of

Judgement

S.K. Sahoo, J

CRLA No.1043 of 2023

This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

Heard.

Admit.

Call for the trial Court records.

I.A. No. 2267 of 2023

This is an application for grant of bail.

The appellant-petitioner Saroj Kumar Nayak has been convicted under sections 420/406/120-B of the Indian Penal Code read with sections 4 and 5 of the Prize Chit Money Circulation (Banning) Act, 1978 and sentenced to undergo rigorous imprisonment for a period of three years and to pay fine of Rs.20,000/-(rupees

twenty thousand), in default, to undergo rigorous imprisonment for a period of three months for the offence under section 420 of the Indian Penal Code, to undergo rigorous imprisonment for a period of two years and to pay fine of Rs.20,000/- (rupees twenty thousand), in default, to undergo rigorous imprisonment for a period of three months for the offence under section 406 of the Indian Penal Code, to undergo rigorous imprisonment for a period of three years and to pay fine of Rs.20,000/- (rupees twenty thousand), in default, to undergo rigorous imprisonment for a period of three months for the offence under section 120-B of the Indian Penal Code, to undergo simple imprisonment for a period of one year and to pay fine of Rs.1,000/-(rupees one thousand), in default, to undergo simple imprisonment for a period of one month on each count for the offences under sections 4 and 5 of the Prize Chit Money Circulation (Banning) Act, 1978 and all the sentences were directed to run concurrently by the learned Presiding Officer, Designated Court under O.P.I.D. Act, Balasore in C.T. Case No. 02(C) of 2014.

Considering the submissions made by the learned counsel for the respective parties, the sentence imposed by the learned trial Court, the fact that the petitioner was on bail during trial and there is no allegation that he has misutilised the liberty and absence of chance of early hearing of the appeal in the near future, I am inclined to release the petitioner on bail.

Let the appellant-petitioner be released on bail pending disposal of the appeal on furnishing bail bond of Rs.50,000/- (rupees fifty thousand) with two solvent sureties each for the like amount to the satisfaction of the learned trial Court.

The I.A. is disposed of.

I.A. No. 2266 of 2023

This is an application for stay of realization of fine. Heard.

Considering the submissions made by the learned counsel for the parties, let there be stay of realization of fine amount imposed on the appellant-petitioner pursuant to the judgment and order dated 31.08.2023 passed by the learned Presiding Officer, Designated Court under O.P.I.D. Act, Balasore in C.T. Case No. 02(C) of 2014 pending disposal of the criminal appeal.

The I.A. is disposed of.

Issue urgent certified copy as per Rules.

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