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(2026) 08 OHC CK 1553

In the Orissa High Court, Cuttack Bench

Case No : CRLREV No.107 of 2005

Surendra Parida — APPELLANT

Vs

State Of Odisha — RESPONDENT

Date of Decision : 04-08-2026

Acts Referred:
Code of Criminal Procedure, 1973 — Section 401, 397
IPC — Section 498-A
Dowry Prohibition Act, 1961 — Section 4
Probation of Offenders Act, 1958

Citation : (2026) 08 OHC CK 1553

Hon'ble Judges : V. Narasingh, J

Bench : Single Bench

Advocate : Mr. D.K. Mishra, Mr. C.R. Swain

Final Decision : Disposed Of

Judgement

V. Narasingh, J. Heard learned counsel for the Petitioner and learned counsel for the State.

2. This Criminal Revision has been filed assailing the judgment dated 16.06.2004 passed by the learned First Addl. Sessions Judge, Puri, in Criminal Appeal No. 13/6 of 2003affirming the judgment of conviction and sentence dated 23.12.2002 passed by the learned J.M.F.C., Pipli in G.R. Case No.592 of 1994 (T.C. No.36 of 2000) qua the Petitioner for commission of offence under Section 498-A of IPC, sentencing him to undergo S.I. for a period of six months and to pay fine of Rs.500/- (Rupees FiveHundred), in default, to undergo S.I. for a period of one month.

3. The prosecution case, in brief, is that the Petitioner married Bari Parida (informant- P.W.6) in accordance with Hindu rites and customs. After three years of marriage, they were blessed with a girl child. At the time of the marriage, a cash amount of Rs.3,000/- (Rupees Three Thousand),one Hercules cycle and a gold ring were given as dowry. After the birth of the girl child, the accused and

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his family members demanded an additional sum of Rs.5,000/-(Rupees Five Thousand) and threatened the informant that, if she failed to bring the said amount, she would be driven out of the matrimonial home. All attempts made by the village gentries to bring about a reconciliation failed. Thereafter, when the informant was finally driven out of the house, she was compelled to file an FIR before the O.I.C., Balanga Police Station and after completion of investigation charge-sheet was filed under Section 498-A of IPC and Section 4 of the Dowry Prohibition Act, 1961 (hereinafter referred to as 'D.P. Act, 1961').

4. To drive home the charge, the prosecution examined 7 witnesses of whom, P.W.6is the informant, P.W.5 is the I.O. and others are independent witnesses.

No evidence was adduced on behalf of the defence. The plea of the defence was one of complete denial.

5. On going through the evidence on record, the Trial Court while acquitting the Petitioner under Section 4 of the D.P. Act and rejectingthe prayer of the Petitioner for release under the Probation of Offenders Act, 1958 (hereinafter referred to as the "P.O. Act"), convicted him for the commission of offence under Section 498-A of IPC andsentenced him to undergo S.I. for a period of six months and to pay fine of Rs.500/- (Rupees Five Hundred), in default, to undergo S.I. for a period of one month.

On appeal being preferred, the Appellate Court, finding the evidence of Informant- P.W.6 to be cogent, on which the Trial Court has placed reliance, did not find any infirmity in the appreciation of evidence and accordingly affirmed the conviction as well as the sentence imposed.

6. Assailing the same, the Petitioner is before this Court.

7. At the outset, learned counsel for the Petitioner submitted that he does not want to assail the order of conviction on merits and referred to the finding of the Trial Court that, by the time it passed the order, the Petitioner had already undergone incarceration for 8 days. Therefore, the learned counsel submits that the sentence be confined to the period of incarceration already undergone.

8. Learned counsel for the State opposes such prayer.

9. On the touchstone of the power of this Court to interfere while exercising revisional jurisdiction as succinctly stated in the case of ***Amit Kapoor v. Mr. Ramesh Chander*, (2012) 9 SCC 460**, this Court is not persuaded to hold that there is any perverse appreciation of evidence by the Trial Court as well as the Appellate Courtas claimed, so as to warrant interference. Hence, the conviction under Section 498-A of IPC stands affirmed.

10. It is stated at the bar that the occurrence took place in the year 1994 and the Petitioner is now aged about 74 years and that nothing has been brought on record by the prosecution to indicate that, in the meanwhile, he has involved himself in the commission of any other offence.

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10-A. Since, no useful purpose would be served by directing him to undergo further imprisonment. now after more than three decades, this Court is of the considered view that confining the sentence to the period already undergone would sub-serve the ends of justice and accordingly it is so directed.

10-B. In the peculiar facts and circumstances of the case at hand, the imposition of fine is set aside.

11. Accordingly, the CRLREV stands disposed of.

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