



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLREV No.107 of 2005
(CNR No.ODHC010026572005)

In the matter of an application under Section 401 read section 397 of the Code of Criminal Procedure, 1973 and from judgment dated 16.09.2004 passed by the learned 1st Additioanl Sessions Judge, Puri in Crl. Appeal No.13/6 of 2003 confirming the judgment dated 28.12.2002 passed by learned J.M.F.C., Pipili in G.R. Case No.592 of 1994.

...

Surendra Parida

... ***Petitioner***

-versus-

State of Odisha

... ***Opp. Party***

Advocate(s) Appeared in this case

For Petitioner - Mr.D.K. Mishra, Advocate

For Opp. Party - Mr.C.R. Swain,
Addl. Govt. Advocate

CORAM :

MR. JUSTICE V. NARASINGH

Date of Hearing & Judgment: 04.08.2026

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 2003 affirming the judgment of conviction and sentence dated 23.12.2002 passed by the learned J.M.F.C., Pipili 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 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.6 is 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 rejecting the 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 and sentenced 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 Courts 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.

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.

(V. Narasingh)
Judge

Signature Not Verified
Orissa High Court, Cuttack
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