



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRREV No.722 of 2001

(In the matter of an application under Section 401 of read with Section 397 of Cr.P.C.)

1. Bhaskar Mandal **Petitioners**
2. Balaram Mandal
3. Madhusudan
Mandal
4. Panchanan Muduli
(Since dead)
5. Jayanta Kumar
Mandal

-versus-

State of Odisha **Opposite Party**

For Petitioners : Mr. J M. Mishra, Advocate
For Opposite Party: Mr. C.R. Swain, AGA

CORAM: JUSTICE V. NARASINGH

DATE OF HEARING : 24.02.2026

DATE OF JUDGMENT : 13.03.2026

V. Narasingh,J.

Heard learned counsel for the Petitioners
and learned counsel for the State.



1. This Criminal Revision has been filed assailing the judgment dated 18.09.2001 passed by the learned Sessions Judge, Keonjhar in Criminal Appeal No.75 of 1995, whereby the appeal was partly allowed and the order of conviction qua the Petitioner dated 27.11.1995 passed by the learned J.M.F.C., Anandapur in G.R. Case No.162 of 1991 (Trial Case No.534 of 1993) under Sections 148/326/324/323/149 IPC was modified. By the said judgment, the learned Appellate Court set aside the conviction under Sections 323/149 IPC of Balaram Mandal, Panchanan Muduli, Madhusudan Mendal and Bhaskar Mandal, but found them guilty of the offences under Sections 324/34 IPC and sentenced them to undergo R.I. for one year. The accused Jayant Mandal, having been found guilty under Section 326 IPC, was sentenced to undergo R.I. for two years, reducing the same from three years, and to pay a fine of Rs.1,000/-.In default to undergo R.I. for six months.

2. It is the case of the prosecution that on 25.05.1991 at about 8:00 A.M. at village Kaniari, while the Petitioner Bhaskar Mandal along with his sons and labourers was undertaking the thatching/construction of the roof of his house, the



informant Ainthu Mandal (P.W.1), Gangadhar Mandal (P.W.2) and Babaji Mandal (P.W.3) objected to the same, for which a quarrel ensued, during which the accused persons, being armed with lathis, axe and bala assaulted the informant and others. Madhusudan Mandal assaulted the informant Ainthu Mandal by means of a lathi on his back causing him to fall down and thereafter Balaram Mandal dealt a blow on his head by means of a bala causing a bleeding injury. Bhaskar Mandal, Naba Kishore Mandal, Panchanan Muduli and others assaulted Gangadhar Mandal by means of bala and lathi causing injuries on his head, hand and back, while Jayanta Mandal assaulted Babaji Mandal by means of a bala on his left hand causing a bleeding injury. On hearing the alarm, witnesses arrived at the spot and rescued the injured persons. The informant thereafter lodged oral information at Soso Police Station, which was reduced into writing and on the basis of the same the case was registered. After completion of investigation, charge-sheet was submitted under Sections 323/324/326 read with 149 IPC against the present Petitioners and five other accused persons.



3. To drive home the charge, the prosecution examined 10 witnesses of whom P.W.1(the Informant) P.W. 3, the injured, P.W.9, the Doctor and P.W.11, the I.O are the material witnesses. Several documents were exhibited and marked as Exts.1 to 7/1, of which Exts.3,4 and 5, being the injury reports, Ext.7, being the spot map, are of significance.

Though no witness was examined on behalf of the accused Petitioners, several documents were adduced and marked as Exts.A to G/1.

4. The plea of the defence was one of complete denial.

5. On consideration of the evidence on record, the learned Trial Court found Panchanan Muduli (Petitioner No.4), Madhusudan Mandal (Petitioner No.3), Bhaskar Mandal (Petitioner No.1) and Balaram Mandal (Petitioner No.2) guilty of the offences under Sections 323/149 and 324/149 IPC and sentenced each of them to undergo R.I. for one year for the offence under Section 323/149 IPC and R.I. for two years for the offence under Section 324/149 IPC, the sentences to run consecutively. So far as Jayant Mandal (Petitioner No.5) is concerned, having been found guilty under Section



326 IPC, he was sentenced to undergo R.I. for three years and to pay a fine of Rs.1,000/-, in default to undergo R.I. for six months. The learned Trial Court acquitted the remaining five accused persons.

6. On appeal being preferred, the learned Appellate Court, upon taking into account the evidence on record, particularly that of the injured witness P.W.3, the Doctor P.W.9 as well as the Investigating Officer P.W.11, partly allowed the appeal and modified the order of conviction and sentence passed by the learned trial court.

The conviction as well as the sentence imposed on Bhaskar Mandal (Petitioner No.1), Balaram Mandal (Petitioner No.2), Madhusudan Mandal (Petitioner No.3) and Panchanan Muduli (Petitioner No.4) under Section 323/149 of the IPC were set aside, and they were found guilty of the offence under Section 324/34 of the IPC and were sentenced to undergo R.I. for one year.

So far as the accused Jayanta Mandal is concerned, the learned Appellate Court did not interfere with the conviction under Section 326 of the IPC, however, the sentence was reduced to R.I. for two years instead of three. The said judgment



is the subject matter of challenge before this Court in the present Criminal Revision.

7. In view of the order dated 06.02.2026 of this Court, learned counsel for the State places on record the instructions received from the I.I.C., Soso P.S., indicating that Petitioner No.4 (Panchanan Muduli) has passed away "approximately 15-17 years age). A copy of the said instruction is taken on record.

It is apt to note here that in the said instruction, the serial number of Petitioner No.4 has inadvertently been mentioned as '05' instead of the correct Serial No. '04'.

8. Since there is no motion on his behalf for continuance of the revision, the CRLREV stands abated against the said Petitioner and the present Criminal Revision is confined to Petitioner Nos.1 to 3 and 5.

9. Learned counsel for the Petitioners submit with vehemence that the appreciation of evidence by the learned Trial Court and the learned Appellate Court is ex facie perverse, therefore, warrant interference by this Court in exercise of its revisional jurisdiction.

10. Such submission is opposed by the learned counsel for the State referring to the



evidence of the injured informant (P.W.1), the injured witnesses (P.Ws.2 and 3) and the doctor (P.W.9).

11. On considering the evidence on record, more particularly that of P.Ws. 1 to 3 as well as the Doctor P.W.9, this Court does not find any perversity in the appreciation of evidence by the learned Trial Court and learned Appellate Court so as to warrant interference of this Court.

12. As an alternative submission, learned counsel for the Petitioners submits that the date of occurrence was on 25.05.1991, i.e., more than three and a half decades ago. Petitioner No.1, Bhaskar Mandal, is now aged about 95 years, Petitioner No.2, Balaram Mandal, and Petitioner No.3, Madhusudan Mandal, are more than 60 years of age and Petitioner No.5 is aged about 54 years.

13. It is further submitted that during all these years the Petitioners have not misused the liberty granted to them while on bail and have not involved themselves in any other offence. Hence, it is contended that this is a fit case to extend to them the benefit under the Probation of Offenders Act, 1958 (hereinafter referred to as P.O. Act).

14. Considering that the occurrence took place more than three and a half decades ago and



that the Petitioners have well integrated into society, and also taking into account their age as noted above, this Court is persuaded to hold that this is a fit case for extending the benefit of the Probation of Offenders Act. However, this Court does not find any ground to interfere with the conviction recorded by the learned Appellate Court, in view of the judgment of the Apex Court in the case of ***Chellammal and anr. V. State represented by the Inspector of Police, 2025 SCC OnLine SC 870.***

15. Hence, in the given factual matrix of the case and in view of the evidence on record, while maintaining the conviction recorded against the Petitioners, and having regard to the facts and circumstances of the case, this Court is inclined to direct the release of the Petitioners on probation under Section 4 of the P.O. Act, on conditions to be settled by the Trial Court.

16. The Criminal Revision is accordingly disposed of.

17. It is further directed that the Petitioner No.5 (Jayanta Kumar Mandal) shall pay compensation of Rs.1000/- to Babaji Mandal-P.W.3, and failing which, the same shall entail



action in accordance with procedure laid down under Section 5 of the P.O. Act.

18. In this context, it is apt to note that, so far as Section 5(2) of the P.O. Act is concerned, in the event of default in payment of the amount ordered under Section 5(1) of the said Act, the amount shall be recovered as a fine in accordance with the provisions of Sections 386/387 of the Code.

It is further clarified that the "Code" herein refers to the Code of Criminal Procedure, 1898, which corresponds to Sections 461/462 of BNSS 2023 (Sections 421 and 422 of the Code of Criminal Procedure, 1973).

19. The Criminal Revision, along with I.As, if any, accordingly stand disposed of.

20. The bail bond(s) stand cancelled and the sureties are discharged.

(V. NARASINGH)
Judge