



and the order of conviction qua the Petitioners dated 29.10.2014 passed by the learned Assistant Sessions Judge, Special Track Court, Dhenkanal in C.T. (SS) Case No.196 of 2012 corresponding to G.R. Case No.270 of 2012 under Sections 307/34 of IPC, sentencing them to undergo R.I. for a period of 7 (seven) years and to pay a fine of Rs.5,000/- (Rupees Five Thousand only), and in default to undergo R.I. for 3 (three) months, was modified. By its judgment, the learned Appellate Court set aside the conviction under Sections 307/34 of IPC against the Appellants and convicted them under Sections 323/34 of IPC and sentenced them to undergo S.I. for one year and to pay a fine of Rs.1,000/- each, in default to suffer S.I. for two months.

3. It is the case of the prosecution that Petitioner No.1 is the husband and Petitioner No.2 is the mother-in-law of the victim. After her marriage, due to constant torture, she could not stay in the house of the Petitioners and took shelter in her mother's house. On the occasion of her brother-in-law's marriage, she had gone to her matrimonial house on the request of her brother-in-law. During such stay, on 11.03.2012 at about 11 A.M., Petitioner No.1, being instigated by his mother, dealt a *katuri* blow aiming at her neck, but as she raised her hands to save herself, the blow hit her



hand, causing bleeding injuries, and she was immediately shifted to the hospital. Her mother lodged the FIR, which was registered as Sadar P.S. Case No.95 of 2012. After completion of investigation, charge-sheet was filed under Sections 498(A)/307/506/34 of IPC.

4. To drive home the charge, the prosecution examined ten witnesses, of whom P.W.1 is an eye-witness; P.Ws.2, 3 and 6 are independent witnesses; P.Ws.4 and 7 are the Medical Officers; P.W.5 is the informant; P.W.8 is the victim; and P.Ws.9 and 10 are the investigating officers. Several documents were exhibited and marked as Exts.1 to 4/1, of which Ext.2 (the FIR), Ext.4 (the spot map) and Ext.3 (the injury report) are of significance.

No evidence has been adduced on behalf of defense.

5. Considering the evidence on record, the learned Trial Court held the Petitioners guilty of the offence under Sections 307/34 of the IPC and sentenced them to undergo R.I. for a period of 7 (seven) years and to pay a fine of Rs.5,000/-, in default to undergo R.I. for 3 (three) months.



On appeal being preferred, the learned Additional Sessions Judge, Dhenkanal, vide judgment dated 19.08.2025 in Criminal Appeal No.34 of 2014, upon consideration of the evidence on record and referring to the alleged compromise between the parties, and taking into account the contradictions, altered the conviction from Section 307 IPC to one under Section 323 IPC and directed them to undergo S.I. for one year and to pay a fine of Rs.1,000/- each, in default to suffer S.I. for two months. Being aggrieved by the same, the present Criminal Revision has been filed.

6. It is submitted by the learned counsel for the Petitioners that the Appellate Court, having found the conviction under Section 307 IPC not sustainable, committed a grave error in convicting the Petitioners under Section 323 IPC by relying upon the sole uncorroborated testimony of the injured. Hence, it is submitted that the case at hand warrants interference, as the appreciation of evidence by the learned Appellate Court is ex facie perverse.

7. Learned Public Prosecutor, on the other hand, opposes such prayer and submits that the Appellate Court has taken a liberal view and, since the same has not been challenged by the State, it cannot be said that



the appreciation of evidence on record is perverse so as to warrant interference by this Court in exercise of its revisional jurisdiction.

8. This Court, for the limited purpose of examining the submission of the learned counsel for the Petitioners that the approach of the learned Courts, particularly the Appellate Court below, is perverse, has perused the evidence of P.W.8 and other witnesses, including that of the doctors.

9. Considering the evidence on record and the assessment thereof, this Court is not persuaded to hold that there is any perversity in the appreciation of evidence by the learned Appellate Court in converting the conviction to one under Sections 323/34 of IPC and directing them to undergo S.I. for one year and to pay a fine of Rs.1,000/- each, in default to suffer S.I. for two months.

10. It is stated at the Bar that the Petitioners were on bail during the course of trial, and Petitioner No.1 is in custody since 19.08.2025, i.e., from the date of the judgment and have subsequently been released on bail by the order dated 06.02.2026 of this Court.



11. Considering the same, this Court is persuaded to hold that confining the sentence to the period already undergone, without interfering with the fine imposed by the learned Appellate Court, will subserve the ends of justice.

12. The bail bond(s) stand cancelled and the sureties be discharged.

13. The fine amount of Rs.1,000/- shall be deposited before the learned Trial Court within a period of four weeks hence, failing which steps shall be taken to enforce the default sentence as directed by the Appellate Court.

14. Accordingly, the CRLREV along with pending I.As stand disposed of.

(V. NARASINGH)
Judge

*Orissa High Court, Cuttack,
Dated the 24th of March, 2026/Santoshi*