



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLREV No.454 of 2003

Rabindra Kumar Jena

Petitioner

Mr. M. Chand, Advocate

-versus-

Sankarshan Jena

Opposite Party

Mr. S. Panigrahi, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

31.03.2026

Order No.

- 05.** 1. Heard learned counsel for the Petitioner and learned counsel for the Opposite Party.
2. This Criminal Revision has been filed assailing the judgment dated 03.05.2003 passed by the learned Addl. Sessions Judge, Kendrapara, in Criminal Appeal No.5 of 2002, affirming the judgment of conviction dated 31.07.2002 passed by the learned J.M.S.C, Kendrapara in I.C.C Case No.89 of 2000 (Trial Case No.63 of 2002) whereby the Petitioner was convicted under Section 323 IPC and directed to be released under Section 3 of the Probation of Offenders Act, 1958.
3. It is submitted by the learned counsel for the Petitioner that, considering the perverse appreciation of evidence, the Petitioner ought not to suffer the



stigma of conviction under Section 323 of IPC and it is further asserted that since the appreciation of evidence by the learned Courts below are ex facie perverse, there is no embargo for this Court to examine the same in exercise of its revisional jurisdiction.

4. Learned counsel for the State on the other hand submits that on a bare perusal of the order passed by the Appellate Court as well as the Trial Court, in the light of the evidence on record, the order of conviction does not merit interference and more so in a criminal revision.

5. This Court carefully examined the evidence on record more to the limited extent to test the veracity of submission of the learned counsel for the Petitioner that the appreciation of the evidence by the learned Courts below are perverse so as to warrant interference.

6. On going through the evidence of the complainant P.W.4 and its analysis thereof by the learned Courts below, this Court cannot be persuaded to accept the submission of the learned counsel for the Petitioner that the order of conviction under Section 323 IPC is perverse. This Court also does not find any infirmity in the order passed by the learned Magistrate in extending the provisions of



Probation of Offenders Act, 1958, as rightly held by the learned Appellate Court.

7. In this context, it may not be out of place to refer to Section 12 of the Probation of Offenders Act, 1958 which reads as under:

“12. Removal of disqualification attaching to conviction.-

Notwithstanding anything contained in any other law, a person found guilty of an offence and dealt with under the provisions of section 3 or section 4 shall not suffer disqualification, if any, attaching to a conviction of an offence under such law:

Provided that nothing in this section shall apply to a person who, after his release under section 4, is subsequently sentenced for the original offence.”

In the light of the same, the apprehension that the Petitioner’s release under the P.O. Act entails stigma, is found to be misconceived.

8. Hence, the criminal revision is devoid of merit and accordingly disposed of.

(V. NARASINGH)
Judge