



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLREV No.395 of 2025

In the matter of an application under Section 442 of BNSS, 2023.

Aswini Kumar Dhal

....

Petitioner

-versus-

1. State of Odisha

....

Opposite Parties

2. Damayanti Sia

For Petitioner

:

Mr. S.S. Das, Advocate

For Opposite Party

:

Mr. S. Panigrahi, ASC
Mr. D. Panda, Advocate

CORAM:

JUSTICE V. NARASINGH

DATE OF HEARING: 11.03.2026

DATE OF ORDER : 20.03.2026

V. Narasingh, J.

1. Heard Mr. Das, learned counsel for the Petitioner, Mr. Panigrahi, learned ASC for the State and Mr. Panda, learned counsel for the Opposite Party No.2.

2. Assailing the order dated 30.09.2024 passed by the learned Additional District &



Sessions Judge, Jajpur Road in Criminal Appeal No.11 of 2024 allowing the petition of the Opposite Party-Informant (victim) to adduce one X-ray plate as additional evidence, the present Criminal Revision has been preferred.

3. It is apt to note that the appeal in question was preferred assailing the judgment dated 08.12.2023 passed by the learned Assistant Sessions Judge, Jajpur Road in S.T. Case No.1 of 2023 arising out of C.T. Case No.1865 of 2020 whereby the present Petitioner along with two other co-accused were found guilty of offence under Section 323/34 of IPC and directed to be released after admonition under Section 3 of the Probation of Offenders Act, 1958.

4. Learned Trial Court while acquitting the Opposite Party-accused of offence under Section 325 of IPC observed in paragraph-10 of the its judgment that though evidence of doctor and medical reports reveal about fracture injury but no such X-ray plate has been produced to establish the same.

5. Admittedly, there is delay of 197 days in preferring this Revision.



6. Learned counsel for the Petitioner, Mr. Das referring to the medical report on record submits that since the delay is due to circumstances beyond the control of the Petitioner, the same be condoned.

6. Learned counsel for the Opposite Party No.2, Mr. Panda on the other hand submits that no sufficient reason has been indicated to condone the delay.

7. On perusal of the medical certificate which is on record, this Court is not persuaded to hold that considering the same on touchstone of the judgment of the Apex Court in the case of **Shivamma (Dead) by Lrs vs. Karnataka Housing Board and Ors.** reported in **2025 SCC OnLine SC 1969** sufficient cause has been shown to condone the delay of 197 days and the Petitioner has not been able to discharge the burden that there is sufficiency of cause resulting in delay in filing the present Revision. Hence, this Court is not inclined to entertain this Criminal Revision on the ground of delay and as such, does not delve into the merit of the matter.



8. Learned Appellate Court is called upon to dispose of the appeal as expeditiously as possible.

9. The CRLREV is accordingly disposed of. In view of disposal of CRLREV, pending I.As., if any, also stand disposed of.

(V. Narasingh)
Judge

*Orissa High Court, Cuttack,
Dated the 20th March, 2026/Ayesha*