



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLREV No.453 of 2021

Motilal Gadaba

...

Petitioner

Mr. A. Mishra, Advocate

-versus-

State of Orissa

....

Opposite Party

Mr. A.K Pati, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

22.01.2026

I.A. No. 645 of 2021

Order No.

- 01.** 1. Heard learned counsel for the Petitioner and learned counsel for the State.
2. This is an application for dispensing with filing of certified copy of the impugned order at Annexure-2.
3. This Court vide order dated 24.01.2022 directed the learned counsel for the parties to utilize a printout of the order available in the High Court's website, at par with certified copy. Hence, I.A. No.645 of 2021 ought not to have been reflected in the list. In such view of the matter, I.A. stands disposed of.



4. Registry is requested to be more careful in future.

(V. NARASINGH)
Judge

I.A. No.647 of 2021

Order No.

- 02.** 1. This is an application by the petitioner for stay realization of fine.
2. Heard.
3. Considering the submission made and the recitals in the I.A., it is directed that the realization of fine imposed by the learned Asst. Sessions Judge (Special Track Court), Jeypore in C.T. Case No.46 of 2013 shall remain stayed till disposal of the Criminal Revision.
4. The I.A. is accordingly disposed of.

(V. NARASINGH)
Judge

I.A. No.646 of 2021

Order No.

- 03.** 1. The Petitioner by filing this application under Section 389 of Cr.P.C./ 430 of BNSS prays for suspension of execution of sentence imposed upon him for the conviction recorded under



Section 376/506 of IPC by the learned Asst. Sessions Judge (Special Track Court), Jeypore in C.T. Case No.46 of 2013.

2. It is submitted by the learned counsel that the Petitioner has been convicted by the learned Asst. Sessions Judge (Special Track Court), Jeypore in C.T. Case No.46 of 2013 under Section 376 of IPC and sentenced to undergo for a period of seven years and to pay a fine of Rs.20,000/- in default of payment of fine, to undergo further rigorous imprisonment for a period of four months. For conviction under Section 506 of the IPC, the Petitioner-convict is sentenced to undergo rigorous imprisonment for a period of two years. The substantive sentences have been directed to run concurrently and period of detention already undergone by the Petitioner-convict shall be set off from the substantive sentences in terms of Section 428 of the Cr.P.C., which has been affirmed by the learned Addl. Sessions Judge, Jeypore vide judgment dated 01.09.2021 in Criminal Appeal No.11 of 2015.

3. It is submitted that during currency of the appeal, the Petitioner was on bail and he was also



granted interim bail for a period of three months during the pendency of Criminal Revision and while he was on bail before the Appellate Court and during his release on interim bail he has never violated the terms and conditions justifying the confidence reposed in him.

4. It is submitted by the learned counsel that the Petitioner surrendered being convicted on 15.03.2023 and he is in custody since then.

5. It is further submitted that in view of bleak chance of early hearing of the criminal revision, the Petitioner may be released on bail.

6. It is further stated that since the Petitioner is in custody for more than five years as against conviction of 7 years, he may be released on bail.

7. Learned counsel for the State opposes the prayer referring to the statement of the victim and more so since the conviction has been affirmed by the learned Appellate Court.

8. Considering the rival submissions and the conduct of the Petitioner as noted, it is directed that the Petitioner shall be released on bail on such terms and conditions as deemed just and proper by the learned Asst. Sessions Judge



(Special Track Court), Jeypore in C.T. Case No.46 of 2013.

9. Additionally, it is directed that the Petitioner shall appear before the jurisdictional police station once every month and shall not in any way try to intimidate the informant/victim and her family members till the disposal of the CRLREV.

10. It shall be open for the Informant/victim to seek variance of this order in the event there is any threat perception.

11. I.A. is accordingly disposed of.

(V. NARASINGH)
Judge

I.A. No.548 of 2025

Order No.

04. 1. Since vide order dated 22.1.2025 in I.A. No.646 of 2021, this Court has granted bail to the Petitioner, I.A. No.548 of 2025 filed for interim bail has become infructuous.

2. Accordingly, the I.A. stands disposed of.

(V. NARASINGH)
Judge



CRLREV No.453 of 2021

Order No.

05. 1. List this matter on 16.03.2026.

(V. NARASINGH)
Judge

Soumya

Signature Not Verified

Digitally Signed
Signed by: SOUMYA RANJAN SAMAL
Designation: Jr. Stenographer
Reason: Authentication
Location: High Court of Orissa
Date: 22-Jan-2026 19:35:59

