



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRREV No.117 of 2026

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

Ashok Mandal

....

Petitioner

-versus-

State of Odisha

....

Opposite Party

For Petitioner : Mr. U. Barik, Advocate

For Opposite Party: Mr. A.K. Pati, ASC

CORAM: JUSTICE V. NARASINGH

DATE OF HEARING & JUDGMENT : 11.03.2026

V. Narasingh,J.

1. This Criminal Revision has been filed assailing the Judgment dated 27.12.2025 passed by the learned Addl. Dist. & Sessions Judge, Umerkote in Criminal Appeal No.02 of 2022, affirming the order of conviction dated 05.07.2022 of the Petitioner passed by the learned J.M.F.C., Umerkote in G.R. Case No.121 of 2007 (T.R.



No.695 of 2007) under Sections 354/511 of IPC and imposing a sentence of R.I. for a period of one year and fine of Rs.500/- (Rupees Five hundred only), and in default to undergo R.I. for period of 3 months, further U/s 451 IPC to undergo R.I. for a period of one month and fine of Rs.300/-(Rupees three hundred only)and, in default to undergo R.I. for a period of Eight days. Substantive sentences were directed to run concurrently. It was further directed that on the recovery of fine, the same shall be paid to the victim Laxmirani Bachar as compensation u/s 357 of the Cr.P.C. after expiry of four months of the appeal period.

2. It is the case of the prosecution that on 19.03.2007 at about 2 A.M., the accused forcibly entered the house of the victim at night. A lamp was lit in the said room, and he attempted to outrage her modesty. On her raising hullah, her brother-in-law suddenly came to her room and caught hold of the accused. A fight ensued. But somehow the accused-petitioner managed to escape.

The next morning a village meeting was called to resolve the issue. But the accused Petitioner did not respond. Thereafter, on



21.03.2007, F.I.R. was instituted by the Informant, registered as Umerkote P.S. Case No. 36 of 2007, under Sections 451/354/511 of IPC. After completion of investigation, the charge sheet was filed under Sections 451/354/511 IPC against the Petitioner.

3. In the trial, to drive home the charge, the prosecution examined 7 witnesses of whom P.W.1, the Informant and P.W.2, the brother-in-law are of significance.

Defence evidence was adduced by citing three witnesses of whom D.W.3 is the accused himself.

4. The learned Trial Court after examining the evidence and materials on record, including the statement of the informant P.W.1, who is also the victim as well as P.W.2- brother-in-law of the informant, found the Petitioner guilty of commission of offence under Sections 354/511 of IPC and directed to undergo R.I. for a period of one year and imposed a fine of Rs.500/- and in default to undergo R.I. for a period of three months and under Section 451 of IPC to undergo R.I. for a period of one month and fine of Rs.300/- and in default to undergo R.I. for a period of Eight days



with a further direction that the substantive sentences shall run concurrently.

Further, the prayer of the Petitioner for release under the Probation of Offenders Act, 1958(hereinafter referred to as 'P.O. Act') was negatived.

On appeal being preferred, the conviction and the imposition of sentence having been upheld, the present Criminal Revision has been filed.

5. Heard learned counsel for the Petitioner and learned counsel for the State.

6. At the outset, learned counsel for the Petitioner submits that he does not want to assail the order on merits and seeks extension of the benefit of the P.O. Act and it is stated that the date of occurrence is of the year 2007, i.e. almost 19 years back and the Petitioner is now aged about 73 years.

On instruction, it is further submitted that save and except the case at hand, the Petitioner did not involve himself in commission of any other offence and it is urged that no purpose would be served by sending the Petitioner to custody at this belated stage in view of his age. Hence, the benefit of P.O. Act may be extended to him.



7. Such submission is not seriously opposed by the learned counsel for the State. However, taking into account the nature of the offence committed and in the light of observation of the learned Trial Court refusing to grant the benefit of the P.O. Act, he submits that the benefit of the P.O. Act to the Petitioner ought not to be granted.

8. It is apt to the note that in the meanwhile more than four years have lapsed since the date of the order is passed by the learned Trial Court, and as noted, there is nothing on record to indicate that the trial Court has taken into consideration the age of the Petitioner, while considering the prayer for grant of P.O. Act.

9. So far as the applicability of the P.O. Act is concerned, this Court is guided by the recent 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*** and accordingly, while affirming the conviction, this Court directs that the provision of Section 4 of the P.O. Act be extended to the Petitioner on terms to be settled by the Trial Court.

It is further directed that the Petitioner shall pay compensation of Rs.3000/- to the victim, which



shall be disbursed within a period of 20 days hence, failing which, the same shall entail action in accordance with procedure laid down under Section 5 of the P.O. Act.

10. 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.

11. 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)

12. The Criminal Revision, along with pending I.As accordingly stand disposed of.

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

(V. NARASINGH)
Judge