

**IN THE HIGH COURT OF ORISSA AT CUTTACK****CRLA No.1051 of 2024**

(In the matter of an application under Section 415(2) of Bharatiya Nagarik Suraksha Sanhita, 2023 corresponding to Section 374(2) of Criminal Procedure Code, 1973).

Abinash Digal @ Papun Digal *Appellant (s)*

-versus-

State of Odisha *Respondent (s)*

Advocates appeared in the case through Hybrid Mode:

For Appellant (s) : *Mr. Soumyajit Biswopakash, Adv.*
Mr. G.R. Dhal, Adv.

For Respondent (s) : *Mr. Tej Kumar, ASC*
Ms. Barsharani Sahoo, Adv.

CORAM:

DR. JUSTICE SANJEEB K PANIGRAHI

DATE OF HEARING:-17.02.2026

DATE OF JUDGMENT:-27.02.2026

Dr. Sanjeeb K Panigrahi, J.

1. The Appellant has filed the instant Criminal Appeal under Section 374(2) of the Code of Criminal Procedure, 1973/ Section 415(2) of Bharatiya Nagarik Suraksha Sanhita, 2023, invoking the appellate jurisdiction of this Court. The appeal is preferred against the Judgment dated 01.10.2014 passed by the learned Additional Sessions Judge-cum-Special Court under POCSO Act, Phulbani, in C.T. Case No.56 of 2021 arising out of Raikia P.S. Case No.82 of 2021, whereby the appellant was convicted for the offences under Section 8 of the Protection of Children from Sexual Offences Act, 2012 and Section 354



of Indian Penal Code and was sentenced to undergo rigorous imprisonment for 3 years and to pay fine of Rs 5,000/- and in default of payment of fine undergo rigorous imprisonment for two months.

I. FACTUAL MATRIX OF THE CASE:

2. The brief facts of the case are as follows:

- (i) On 26.08.2021, at about 3 PM, the informant, along with the victim, her parents, and her cousin sister, was travelling from the village Raikia to G. Udayagiri in a Pakhiraj Bus. During the journey, the victim was seated on the right-side window seat of the said bus.
- (ii) The Victim alleged that at the relevant time, while the bus was parked in front of the UCO- Bank Chowk, an unknown person approached from outside the bus and pressed breast.
- (iii) Due to the said incident, the victim raised alarm, whereupon the informant immediately alighted from the bus and attempted to apprehend the said person. However, the said person assaulted the informant and forcibly took away a sum of Rs 5000/- from his purse. Subsequently, they ascertained the said person was Abinash @ Papu Digal of village Gedingia.
- (iv) On that basis of the written report lodged by the informant, Raikia P.S. Case No. 82 of 2021 was registered against the accused. During the investigation, the I.O visited the spot, examined the witness, and recorded their statements under Section 161 of Cr.P.C. The I.O. also took into consideration the relevant documents relating to the age of the victim and found



that she was aged about 17 years 5 months and 8 days at the time of the incident.

- (v) Subsequently, charges under Section 354 and 392 of the I.P.C. r/w Section 8 of the POCSO Act has been framed against the Appellant. Thereafter, trial commenced before the learned Trial Court. Upon completion of the trial and after hearing the arguments advanced by both the parties, the learned Trial Court convicted the Appellant under Section 354 of I.P.C. and under Section 8 of the POCSO Act and acquitted him of the charges of Section 392 of IPC.

Being aggrieved by the aforesaid facts and circumstances, the Petitioner has been constrained to approach this Court by way of the present criminal appeal.

II. SUBMISSIONS ON BEHALF OF THE APPELLANT:

3. The learned counsel for the Appellant respectfully and earnestly made the following submissions in support of his contentions:
- (i) The Appellant submits that the judgment of conviction and order of sentence passed by the learned Additional District and Sessions Judge, Phulbani passed in C.T. No. 56 of 2021 arising out of P.S. Case No. 82 of 2021, corresponding to C.T. Case No. 56 of 2021 on the file of the Additional District and Session Judge-cum-Special Court under POCSO Act, Phulbani, whereby the appellant has been convicted and sentenced to undergo rigorous imprisonment along with imposition of fine, is wholly



erroneous, unsustainable both on facts and in law, and is liable to be set aside.

- (ii) The Appellant further submits that the learned Trial Court has failed to properly appreciate the materials and evidences available on record and thereby erroneously recorded the order of conviction. It is contended that the learned Court below has not applied the cardinal principles of criminal jurisprudence and the settled principles governing appreciation of evidence, as a result of which the impugned judgment has become legally unsustainable.
- (iii) The Appellant contends that the learned Trial Court ought to have disbelieved the entire prosecution case in view of the material contradictions between the depositions of the prosecution witnesses before the Court and their statements recorded under Section 161 of Cr.P.C., which, according to the Appellant, go to the root of the matter and render the prosecution story unreliable.
- (iv) The Appellant further contends that the learned Trial Court failed to take note of the fact that, although the alleged place of occurrence is a crowded locality, neither any independent witness from the vicinity nor any co-passenger of the Pakhiraj bus was cited or examined on behalf of the prosecution, which casts serious doubt on the veracity of the prosecution case.
- (v) The Appellant further contends that a careful analysis of the deposition of the prosecution witnesses would reveal that the



learned Trial Court was not justified in convicting the Appellant. It is submitted that P.W.1, victim, in her cross examination, admitted that she stated before the police that an unknown person had squeezed her right-side breast. According to the Appellant, this admission materially contradicts the F.I.R., wherein the accused had been specifically named in the complaint, thereby creating serious doubt about the prosecution case.

- (vi) The Appellant further contends that the victim, in her cross examination, stated that the window glass of the said bus commenced approximately six inches below her shoulder level. In view of such evidence, it is submitted that it is highly doubtful that the Appellant could have squeezed her right-side breast from outside the bus in the manner alleged, thereby rendering the prosecution version improbable.
- (vii) The Appellant submits that the informant, namely the victim's father, has stated in his examination-in-chief that the accused suddenly came from an autorickshaw and squeezed and pulled the right-side breast of the victim. It is contended that this version is false and fabricated. According to the Appellant, when the victim herself did not state that she had seen the accused coming from the autorickshaw, and when the informant claims to have been standing near the bus at the relevant time, it is highly improbable as to how he could have specifically noticed that the accused came from an autorickshaw. This



discrepancy, it is submitted, creates serious doubt about the credibility of the prosecution case.

- (viii) The Appellant further submits that P.W.3 has claimed to have seen the accused; however, such a claim is doubtful inasmuch as she stated in her examination-in-chief that it was her husband who had chased the accused and she herself. Therefore, it is highly probable that she had not actually seen the accused at the spot of occurrence. It is further contended that the deposition of P.W.4 carries no relevance or evidentiary weight, as he has no direct knowledge of the alleged incident and his evidence is not based on personal observation.
- (ix) It is further submitted that the learned Trial Court failed to take note of the fact that, although P.W.5, after being declared hostile, admitted about the alleged occurrence, he did not state a single word regarding the involvement of the present Appellant in the said incident. According to the Appellant, the omission materially weakens the prosecution case against him.
- (x) The Appellant further submits that the learned Trial Court has committed a grave error in convicting the Appellant, particularly when the conductor and driver of Pakhiraj bus, namely P.W.6 and P.W.7 respectively, were declared hostile and did not utter a single word against the present appellant, such material witness not supporting the prosecution case, creates serious doubt the correctness of the conviction.



- (xi) The Appellant submits that the learned Trial Court has failed to take a note of the essential ingredients of the offences under Section 7 of the POCSO Act, particularly "Sexual Intent" on the part of the Appellant. It is contended that in the absence of any material to establish sexual intent, the foundational requirement of the offence is not satisfied, and consequently, the conviction under Section 8 of the POCSO Act is not sustainable in law.
- (xii) In the present case, the Appellant submits that the entire proceeding conducted against him is violation of the provisions of law and other applicable enactments. It is further contended that the Judgment of conviction and order of sentence dated 01.10.2024 is otherwise illegal and erroneous, and as such, the same is liable to be set-aside.

III. SUBMISSIONS ON BEHALF OF THE RESPONDENT:

4. *Per contra*, the learned counsel for the Respondent earnestly made the submission that the present CRLA deserves to be rejected in limine.
- (i) The Respondent submits that, the learned Trial Court, upon proper appreciation of the oral and documentary evidence available on record, has rightly passed the impugned judgment of conviction and order of sentence against the Appellant. The findings recorded by the learned Trial Court are well-reasoned, based on cogent and credible evidence. Therefore, it is humbly prayed that the judgment of conviction and sentence passed by



the learned Trial Court be upheld and the appeal preferred by the Appellant be dismissed.

- (ii) It is vehemently contented on behalf of the Respondent that the prosecution has successfully established the commission of the offence under Section 8 of the POCSO Act and Section 354 of IPC by adducing cogent and reliable evidences, proving the case beyond all reasonable doubts.
- (iii) It is further submitted that the testimony of the victim, is in itself, sufficient to sustain the conviction. The same stands duly corroborated by the evidence of other prosecution witnesses as well as the surrounding circumstances brought on record. Hence, the learned Trial Court has rightly arrived at the conclusion that the Appellant had committed the offence as alleged.
- (iv) The Respondent submits that P.W.5, though at the first instance denied the occurrence, subsequently admitted that on 26.08.2021 Pakhiraj Bus had halted in front of UCO Bank, Raikia, and after some time, the father of the girl got down from the bus and enquired about the name and address of the accused, informing him that the said had misbehaved his daughter. It is further submitted that in the present-day society context, it is not uncommon for independent witnesses to refrain from coming forward to support an incident that takes place in their presence, and such reluctance cannot, by itself, be a ground to discard the otherwise reliable prosecution evidence.



- (v) The Respondent further submits that nothing has been elicited in the cross-examination to suggest that there existed any prior enmity between the victim and her family members on one side and the accused on the other side. In absence of any such material, there is no basis to conclude that the victim would falsely implicate the accused in the alleged occurrence.
- (vi) The Respondent contends that “sexual intent” is essence of the offence punishable under Section 8 of the POCSO Act, and the same can be inferred from the conduct of the accused even in the absence of prolonged or direct skin to skin contact. It is submitted that the manner in which the accused allegedly pressed the breast of the victim by putting his hand through the window of the bus from outside clearly demonstrates his intention to outrage the modesty. Therefore, according to the Respondent, the prosecution has successfully established the charge under Section 8 of the POCSO Act, against the accused beyond reasonable doubt.

IV. FINDINGS OF THE ADDITIONAL DISTRICT AND SESSIONS JUDGE (FTSC), KANDHAMAL, PHULBANI:

5. The learned Trial Court framed charges under Sections 354, 392 of the Indian Penal Code read with Section 8 of the POCSO Act on the allegation that the accused had committed sexual assault upon the victim. Upon conclusion of the trial, the accused was convicted under Section 354 of IPC and Section 8 of the POCSO Act and, was acquitted of the charge under Section 392 of IPC.



6. Upon appreciation of the oral and documentary evidence available on record, the learned Trial Court held that sufficient materials were available to substantiate the charges framed against the accused. On a careful evaluation of the testimonies of the victim, the medical officers and the Investigating Officers, the learned Trial Court arrived at the conclusions that the accused has committed sexual assault and had assaulted the victim with the intent to outrage the modesty. Accordingly, the Trial Court held that the charges under Section 354 of IPC as well as Section 8 of POCSO Act stood proved.
7. In order to bring home the charge under Section 354 of IPC thereof, the prosecution is required to establish that the accused, with criminal or sexual intent, assaulted or used criminal force against a woman, thereby outraging or intending to outrage her modesty. In the instant case, the evidence adduced on behalf of the prosecution is stated to be clear and cogent in demonstrating that the accused pressed the right-side breast of the victim, thereby causing alarm and outrage to her modesty. Accordingly, it is submitted that the prosecution has successfully proved the charge under 354 of IPC against the accused persons.
8. On the basis of the aforesaid findings, the learned Trial Court concluded that the prosecution had successfully established the offence under Section 354 IPC read with Section 8 of the POCSO Act. Consequently, the accused was convicted and sentenced to undergo rigorous imprisonment for a period of 3 years and pay fine of Rs



5,000/- in default whereof he shall undergo rigorous imprisonment for a period of two months.

V. COURT'S REASONING AND ANALYSIS:

9. The foundational and determinative question that arises for consideration in the present appeal pertains to the age of the victim as on the date of the alleged occurrence, i.e., 26.08.2021. The age of the victim assumes pivotal significance particularly in view of the charge under the POCSO Act, wherein minority of the victim constitutes a sine qua non for attracting the penal provisions. The learned Trial Court upon due and proper appreciation of the evidence on record, has placed reliance on the matriculation certificate and other contemporaneous educational records produced by the prosecution. Such documents, being primary and admissible evidence of age, were duly proved in accordance with law. On the basis thereof, the learned Trial Court recorded categorical finding that the victim was below eighteen years of age at the relevant point of time.
10. The legal position governing determination of age is well crystallized in *Jarnail Singh v. State of Haryana*¹, the Supreme Court has held that the date of birth entered in school records carries a presumption of correctness and must be accepted unless convincingly rebutted. This position was reiterated in *Mahadeo v. State of Maharashtra*², wherein the Court held that documentary evidence regarding age prevails over medical opinion in case of variance. This Court, upon independent scrutiny of the said materials, find no infirmity in the reliance so

¹ (2013) 7 SCC 263

² (2013) 14 SCC 637



placed by the learned Trial Court, and the conclusion regarding the minority of the victim does not suffer any legal or factual error.

11. In the case at hand, no credible or substantive material has been brought on record by the defense to impeach or discredit the authenticity of the documentary evidence adduced by the prosecution with regard to the age of the victim. There is no material contradiction, interpolation, or infirmity demonstrated in the matriculation certificate or the allied educational records so as to render the same doubtful or unreliable.
12. In absence of any cogent rebuttal evidence, the evidentiary value and the statutory presumption attached to such duly proved the documentary evidence remains intact and unimpeached. The defence has failed to lay any factual foundation to dislodge the probative worth of the said documents. Consequently, the findings recorded by the learned Trial Court that the victim was a minor, being aged about of 17 years 5 months and 8 days at the time of commission of the offence, stands firmly established on the touchstone of settled legal principles governing proof of age, and does not warrant interference.
13. While advertent to the challenge so raised, it is apposite and profitable to refer to *Section 7* of the POCO Act, 2012. Which defines "*Sexual Assault*", the provision postulates that "*whoever, with sexual intent touches the vagina, penis, anus or breast of the child or makes the child touch the vagina, penis, anus or breast of such person or any other person, or does any other act with sexual intent which involves physical contact without penetration is said to commit sexual assault*".



14. A plain and purposive reading of the said provision indicate that the Legislature has contemplated three distinct contingencies:

- (i) Direct touching of the specified private parts of a child with sexual intent;
- (ii) Making the child touch such parts of the accused or any other person; and
- (iii) Doing any act with sexual intent which involves physical contact without penetration.

The third limb of the provisions couched in broad terms so as to encompass acts which, though not amounting to penetrative assault, nevertheless involve physical contact actuated by sexual intent. In the instant case, the evidence on record prima facie establishes that the Appellant caused physical contact with the victim child by pressing her right side breast while she was seated inside the bus. Such an act, by its very nature, squarely falls within the ambit of Section 7 of the Act, being an act involving physical contact with sexual intent without penetration. Accordingly, the essential ingredients of "sexual assault" as defined under the statute stand satisfied.

15. The learned Trial Court has placed reliance upon Section 29 and 30 of the POCSO Act, which incorporate statutory presumptions with regard to culpable mental state and the commission of the offence once foundational facts are established. Section 29 raises a presumption as to the commission of the offence, whereas Section 30



deals with the presumption of culpable mental state, including the existence of intention, knowledge or motive, unless the contrary is proved by the accused. Having regard to the overt acts alleged and proved, which falls within the ambit of Section 7 of the POCSO Act, which states that, whoever does any act with sexual intent which involves physical contact without penetration is said to commit sexual assault, to hold that prima facie offence of sexual assault with sexual intent is foreseeable in this matter.

16. The learned Trial Court held that the foundational facts necessary to attract the statutory presumptions stood established. Consequently, the presumptions to sexual intent became operative against the accused, who failed to rebut the same by adducing cogent evidence. In that view of the matter, the learned Trial Court rightly concluded that a prima facie case of sexual assault with the requisite intent was made out in the present case, warranting conviction under the relevant provision of the Act.
17. For the proper interpretation of Section 7 of the POCSO Act, it is instructive to advert to the plain and grammatical meaning of the expressions employed therein. The Legislature has consciously used the term 'touches' in reference to specific and intimate parts of the body, while employing border expression "physical contact" in relation to any other act done with sexual intent without penetration.
18. A purposive and contextual construction of the provision would, thereof, make it manifest that any act of touching the specified sexual parts of the body of a child, if actuated by sexual intent, squarely falls



withing the ambit of the “sexual assault” as defined under Section 7 of the Act. The distinction in phraseology underscores the legislative intent to widen the protective umbrella so as to cover not only direct contact with enumerated parts but also other forms of sexually motivated physical intrusions. Such conduct constitutes an unacceptable range of behaviour that invades and undermines the dignity, bodily integrity and autonomy of a child through unwarranted and non-consensual intrusion. The statutory scheme, thus seeks to criminalise and deter all acts which compromise the physical and psychological sanctity of a child.

19. The contention that in the absence of skin-to-skin contact the act would not constitute sexual assault is no longer *res integra*. The Supreme Court has unequivocally clarified that a narrow or pedantic interpretation to Section 7 of the POCSO Act that would defeat the very object and purpose of the enactment. In the *Attorney General for India v. Satish & Anr*,³, wherein it has been held that:

“33..... the rule of construction contained in the maxim “Ut Res Magis Valeat Quam Pereat”, the construction of a rule should give effect to the rule rather than destroying it. Any narrow and pedantic interpretation of the provision which would defeat the object of the provision, cannot be accepted. It is also needless to say that where the intention of the Legislature cannot be given effect to, the courts would accept the bolder construction for the purpose of bringing about an effective result. Restricting the interpretation of the words “touch” or “physical touch” to “skin to skin”

³ (2021) INSC 762; SLP (CRL) No. 925 of 2021



would not only be a narrow and pedantic interpretation of the provision contained in Section 7 of the POCSO Act, but it would lead to an absurd interpretation of the said provision. "Skin to skin contact" for constituting an offence of "sexual assault" could not have been intended or contemplated by the legislature. The very object of enacting POCSO Act is to protect the children from sexual abuse, and if such a narrow interpretation is accepted, it would lead to very determinable situation, frustrating the very object of the Act, inasmuch as in that case touching the sexual or non sexual parts of the body of a child with gloves, condoms, sheets or with cloth, though done with sexual intent would amount to an offence of sexual assault under Section 7 of the POCSO Act. The most important ingredient for constituting the offence of sexual assault under Section 7 of the Act is the "sexual intent" and not the "skin to skin" contact with the child."

20. On the aspect of the outraging the modesty of women where the act complained of is actuated by criminal or sexual intent, the legal position is well settled. The concept of "modesty" under Section 354 of IPC has been authoritatively interpreted by the Full Bench of the Supreme Court in the *State of Punjab v. Major Singh*,⁴ wherein it has been held that:

"15. The offence punishable under Section 354 is an assault on or use of criminal force to a woman with the intention of outraging her modesty or with the knowledge of the likelihood of doing so. The Code does not define "modesty". What then is a woman's modesty?

16..... the essence of a woman's modesty is her sex. The modesty of an adult female is writ large on her body.

⁴ AIR 1967 SC 63



Young or old, intelligent or imbecile, awake or sleeping, the woman possesses a modesty capable of being outraged. Whoever uses criminal force to her with the intent to outrage her modesty commits an offence punishable under Section 354. The culpable intention of the accused is the crux of the matter. The reaction of the woman is very relevant, but its absence is not always decisive,.... A female of tender age stands on a somewhat different footing. Her body is immature, and her sexual powers are dormant.... Nevertheless, from her very birth she possess the modesty which is the attribute of her sex."

21. It is trite that the expression "outraging the modesty of woman" has not been specifically defined under IPC. Judicial pronouncements have consistently held that the essence of the woman's modesty is her sex, and any act which is capable of shocking the sense of decency of a woman would amount to an affront to her modesty. The gravamen of the offence punishable under Section 354 of IPC lies in the culpable intention or knowledge of the accused that his act is likely to outrage the modesty of a woman. The reaction of the victim is undoubtedly a relevant circumstances; however, the absence of resistance or immediate protest is not always decisive in determining whether the offence has been committed.
22. In the case in hand, the victim was minor aged 17 years, 5 months and 8 days, on the date of alleged occurrence of the incident. the evidence on record discloses that when the bus in which she was travelling came to a halt near the UCO Bank, the accused approached from outside and through, the window on the right-side where the victim was seated, inserted his hand and squeezed and pulled her breast.



Such an act, by its very nature, is inherently an indecent and constitutes a direct invasion of the bodily integrity of a young girl. The manner in which the accused deliberately reached through the bus window and committed the act clearly demonstrates the requisite intention to outrage her modesty.

23. In such forgoing discussions, this Court is of the considered opinion that the act and conduct of the accused are sufficient to establish the requisite intention to outrage the modesty of the victim, thereby attracting the penal provision of Section 354 of IPC. The evidence on record clearly demonstrates that the Appellant used criminal force upon the minor child in a manner indeed to violate her modesty. Accordingly, the findings recorded by the learned Trial Court with respect to the offence punishable under Section 354 of IPC warrant no interference, as the essential ingredients of the offence stand duly proved.
24. In the instant case, the testimony of P.Ws.2, 3 and 9 assumes the character of such corroborative assurance to the version of the victim. Their evidence substantiates the immediate disclosure made by the victim and remains consistent with core narrative of the prosecution case. Such corroboration reinforces the credibility and intrinsic worth of the testimony of the prosecutrix and lends further assurance to the correctness of the findings of guilt recorded against the Appellant.
25. In the present case, though several independent witnesses initially supported the prosecution version, they were subsequently declared hostile. Nevertheless, it is well settled that the mere fact that a witness



has been declared hostile does not render his entire testimony effaced from the record; the portion of evidence which inspires confidence and finds corroboration from other materials on record can still be relied upon.

26. In this regard, the testimonies of the conductor of the bus (P.W. 6) and the driver (P.W.7) of the bus assume significance. Both have deposed that a girl from the rear row of the bus raised an alarm, whereupon the bus was immediately brought to a halt. The evidence further discloses that the father of the victim (P.W.2), acting upon such alarm and identification made by the victim, attempted to apprehend the accused; however, he latter managed to escape from the spot. The aforesaid circumstances form a consistent chain of events and lend corroborative assurance to the prosecution case, thereby strengthening the substratum of the charge against the accused.
27. Similarly, the evidence of the auto rickshaw (P.W.5) assumes utmost significant. Though at the initial stage he denied the knowledge of the said occurrence, he subsequently admitted in his deposition that the Pakhiraj Bus has halted in front of UCO Bank, Raikia and shortly thereafter the father of a girl alighted from the bus and enquired from him regarding the name and address of the accused, stating that the latter had misbehaved with his daughter. Thus, even if the independent witnesses have not narrated the incident in its entirety, they have consistently supported the immediate reaction and commotion raised by the victim. Such evidence, though not direct as



to the act itself, provides corroborative assurance regarding the occurrence and strengthens the prosecution version.

28. It is a matter of common experience in contemporary society that independent witnesses are often reluctant to come forward to depose in support of an incident which has taken place in their presence. On many such instances, such witnesses resile from their earlier statements and declare hostile, which trigger some lacunae in the prosecution case. However, such eventuality by itself does not render the prosecution version unworthy of acceptance, nor does it absolve the Court of its duty to shift the evidence and arrive at the truth so as to meet the ends of justice.
29. Upon an overall and aggregated evaluation of the oral and documentary evidence on record, this Court is satisfied that the prosecution has succeeded in establishing, beyond all reasonable doubt, that the Appellant committed sexual assault upon the victim during her minority. The testimony of the prosecutrix is of sterling quality and free from material distortion. The same stands duly corroborated by her prompt disclosure to her parents, the attendant circumstances and other supporting evidence available on record.
30. Nothing substantial has been elicited in the course of cross-examination so as to discredit her version or to create any reasonable doubt with regard to the veracity of the prosecution case. The evidence of the victim inspires full judicial confidence and is found to be wholly trustworthy. In view of the above, this Court holds that the



essential ingredients of the offences charged have been duly proved against the Appellant, warranting affirmation of the finding of guilt.

VI. CONCLUSION:

31. In view of the foregoing analysis and upon an anxious and meticulous of the material facts and circumstances of the case, this Court is of the considered and firm opinion that the judgment of conviction and order of sentence passed by the learned Additional District and Sessions Judge- cum- Special Court under POCSO Act, Phulbani, in C.T. Case No. 56 of 2021, do not suffer from any illegality, infirmity or perversity warranting interference by this Court.
32. The findings recorded by the learned Trial Court are based upon a proper appreciation of the evidence on record and are well supported by the cogent and convincing reasons. Accordingly, the present Criminal Appeal, being devoid of merit, stands dismissed. The judgment of conviction and order of sentence passed by the learned Trial Courts are hereby affirmed. Consequently, this Court is not inclined to accede to the relief prayed for by the Appellant.
33. Accordingly, the CRLA stands **dismissed**.
34. Interim order, if any, passed earlier stands vacated.

(Dr. Sanjeeb K Panigrahi)
Judge

*Orissa High Court, Cuttack,
Dated the 27th February, 2026/*