



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLREV No.262 of 2026
(CNR No.ODHC010245422026)

Prakash Dash **Petitioner**
Mr. P.K. Dash, Advocate

-Versus-

State of Odisha and another **Opposite Parties**
Mr. S. Panda, ASC

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
17.08.2026

Order No.
05.

1. Heard Mr. Dash, learned counsel for the petitioner and Mr. Panda, learned ASC for the State.
2. Instant revision petition is filed by the petitioner assailing the impugned order dated 16th February, 2026 and 21st February, 2026 and also the order dated 5th March, 2026 as at Annexure-4 series passed in connection with C.T. Case No.4505 of 2015 by the learned JMFC (LR & LTV), Bhubaneswar on the grounds stated.
3. Perused the FIR as at Annexure-1 and a copy of the chargesheet i.e. Annexure2.
4. Mr. Dash, learned counsel for the petitioner submits that an application was moved by the prosecution as per Annexure-3 seeking examination of witness, namely, P.W.2 at VWDC. It is claimed that no copy of the said application was served on the defence. Mr. Dash, learned counsel further



submits that the cross-examination of P.W.2 was declined despite a request for an adjournment. It is submitted that the learned court below could not have passed the impugned order dated 5th March, 2026. The contention of Mr. Dash, learned counsel is that once before, an adjournment was allowed and on the last date, when cross-examination of P.W.2 was to be held, the conducting counsel requested for one more adjournment, which was denied by the learned court below and it has been followed by the impugned order as at Annexure-4 series.

5. Recorded the objection of the State. According to Mr. Panda, learned ASC for the State, the learned court below did not commit any serious error or wrong in examination of P.W.2 as it was fixed for cross-examination after an adjournment on the previous date.

6. From the order of the learned court below, it is made to understand that the cross-examination of P.W.2 was fixed to be held in the VWDC but since the learned defence counsel requested for an adjournment on the ground on illness, the same was not entertained and such cross-examination was declined. On a reading of the impugned order dated 5th March, 2026, this Court finds that the learned defence counsel was present but sought for a time on illness ground on account of old age and multiple health issues and hence, requested the learned court below to defer such cross-examination to any future date. Considering the above request, the learned court below held that there has been reasonable time allowed to the



defence for cross-examination and hence, therefore, no adjournment should be allowed and accordingly, declined it and discharged P.W.2. This Court finds that the defence filed a time petition at the time when P.W. 2 was examined and her cross-examination was deferred to 23rd February, 2026 and again on 5th March, 2026, which pleaded but the learned court below did not allow further time and proceeded to discharge P.W.2 without further cross-examination from the side of the defence. This Court is of the view that the learned court below should have allowed time as it was requested on the ground of illness of the conducting counsel by imposing cost. To completely deny further cross-examination of P.W.2 rejecting the request for a time, in the considered view of the Court, should have been avoided.

7. The case is registered under Section 354-A and 506 IPC corresponding to AIR Field P.S. Case No.232 of 2015. No doubt, there has been a considerable delay in the commencement of trial and examination of the witnesses but considering the fact that the learned counsel engaged by the defence requested for time on health ground, it should have been entertained by Court by suitably imposing cost. In other words, this Court is of the view that the decision to receive evidence of the prosecution at VWDC is justified, however, the order dated 5th March, 2026 to decline further cross-examination of P.W.2 on any such ground rejecting the plea for time by the defence counsel is liable to be set aside. In such



view of the matter, this Court is inclined to allow the petitioner to further cross-examine P.W.2 subject, however, to deposit cost of Rs.1000/- payable to opposite party No.2.

8. Accordingly, it is ordered.

9. In the result, the revision stands allowed. Consequently, the impugned order dated 5th March, 2026 as Annexure-4 series is hereby set aside directing the JMFC (LR & LTV), Bhubaneswar to recall P.W.2, namely, opposite party No.2 for further cross-examination on a deposit of Rs.1000/-. It is made clear that such cross-examination of opposite party No.2 shall be held on a single date through VWDC or in terms of the order of the learned court below and not to be deferred for any reasons since the case is a year-old one.

10. Urgent copy of this order be issued as per rules.

(R.K. Pattanaik)
Judge

Rojina

Signature Not Verified

Digitally Signed
Signed by: ROJINA SAHOO
Designation: Senior Stenographer
Reason: Authentication
Location: OHC, CTC
Date: 20-Aug-2026 18:02:45

