

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1761 of 2011

Rajapathi Singh and another *Petitioners*
-versus-
State of Orissa and another *Opposite Parties*

CORAM: JUSTICE S.PUJAHARI

ORDER
25.03.2022

Order
No.

- 04.
1. This matter is taken up through hybrid mode.
 2. This application under Section 482 of Cr.P.C. has been filed by the Petitioners with a prayer to set aside the order dated 30th April, 2011 passed by the learned Additional Sessions Judge, Paralakhemundi in Cr.M.C. No.1 of 2011 with a direction to the learned Additional Sessions Judge, Paralakhemundi to hear the Appeal No.1 of 2011 on merit.
 3. Heard the learned counsel for the Petitioners and the learned counsel for the State-Opposite Party No.1.
 4. No one appears on behalf of the Opposite Party No.2 when the matter is called.
 5. As it appears, in this case order of the P.W.D.V. Act was challenged by the Petitioners in the aforesaid Criminal Misc. Case

before the Additional Sessions Judge, Paralakhemundi as the appeal was barred by limitation. Learned Additional Sessions Judge, Paralakhemundi refuses to entertain the Criminal Misc. Case on the ground of limitation by condoning the delay.

6. I have heard the learned counsel for the Petitioners and also gone through the impugned order.

7. Considering the aforesaid facts and submissions made, especially the fact that the Petitioner No.1 have been directed to provide maintenance of Rs.1,500/- per month to the Opposite Party No.2-mother of the Petitioner No.1 and without complying the order at a belated stage file the appeal, the Court by a reasoned order refused to condone the delay, I see no illegality and infirmity in the order impugned.

8. Accordingly, the CRLMC stands dismissed.

(S.Pujahari)
Judge

DA