

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.4763 of 2011

Lalmohan Barik & others. ***Petitioners***

-versus-

Kumari Arati Singh & others. ***Opposite Parties***

CORAM: JUSTICE S.PUJAHARI

ORDER
14.03.2022

Order No.

10. 1. This matter is taken up through Hybrid mode.
2. The petitioners in this application under Section 482 of the Code of Criminal Procedure (for short “Cr.P.C.”) have prayed for quashing of the judgment dated 22.10.2011 passed by the learned Addl. Sessions Judge, Baripada, Mayurbhanj in Criminal Revision No.31/27 of 2009-2007 setting aside the order dated 07.08.2007 passed by the learned S.D.M., Kaptipada, Udala declaring their possession over the case land.
3. The learned Addl. Sessions Judge, Baripada, Mayurbhanj has found fault with the evidence adduced in the said proceeding. But, as it appears, the learned Addl. Sessions Judge has dealt with revision appreciating the evidence on the basis of Record of Right and decided the case. From there, it

appears that the learned Revisional Court has exercised jurisdiction with material irregularity.

4. In such premises, this Court while setting aside the order of the learned Addl. Sessions Judge, Baripada, Mayurbhanj remit back the matter to the Court of the learned Addl. Sessions Judge, Baripada, Mayurbhanj to re-hear the revision and pass a reasoned order within two months of receipt of the certified copy of this order by giving due notice to the opposite parties here in this case. Needless to say that if the opposite parties did not appear pursuant to the notice issued, the Court shall, without awaiting for their appearance, dispose of the revision petition in its own merit on hearing the petitioners. If the petitioners fail to cooperate, there is no impediment to dispose the same in their absence also, in the manner known to law. The certified copy of this order be produced by the petitioners before the said Court within eight weeks hence.

5. With the aforesaid order, this CRLMC stands disposed of.

6. Urgent certified copy of this order be granted on proper application.

(S. Pujahari)
Judge

MRS