

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2537 of 2007

Hemalata Upadhaya.

....

Petitioner

-versus-

Muralidhar Upadhaya & others.

....

Opposite Parties

CORAM: JUSTICE S.PUJAHARI

ORDER

22.02.2022

Order No.

06.

1. This matter is taken up through Hybrid mode.
2. The petitioner in this application under Section 482 of the Code of Criminal Procedure (for short "Cr.P.C.") has prayed for quashing of the order dated 29.09.2007 passed by the learned J.M.F.C., Soro in I.C.C. No.140 of 2002 rejecting her petition under Section 311 of Cr.P.C.
3. Heard the learned counsel for the petitioner. None appears for the opposite parties.
4. It is never the case of the petitioner that on the protest petition which has been registered as a complaint she had cited the doctor as a witness to be examined by her. But, on a later date she having filed the petition and also her evidence

disclosed about the same, the trial Court refused to allow the prayer made by the petitioner under Section 311 of Cr.P.C. to examine the doctor as a witness.

5. In such premises, this Court is of the view that the impugned order requires no interference by this Court. Hence, this CRLMC filed challenging the same being devoid of merit stands dismissed.

6. Interim order dated 30.01.2008 passed by this Court stands vacated. The trial Court is directed to proceed with the trial.

7. A copy of this order be communicated to the trial Court forthwith.

(S. Pujahari)
Judge

MRS