



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 124 of 2022

Debendra Nath Mahana

....

Petitioner

Mr.B.Pujari, Advocate

-versus-

***Sub-Divisional Judicial Magistrate,
Bhadrak***

....

Opp.Party

Mr.K.K.Das, ASC

**CORAM:
JUSTICE B. P. ROUTRAY**

ORDER

06.11.2023

I.A. No. 1721 of 2022

Order No.

01.

1. The matter is taken up through Hybrid mode.
2. Heard Mr.Pujari, learned counsel for the Petitioner and Mr.Das, learned ASC for the State.
3. Mr.Das, learned ASC submits upon instruction from the IIC, Bhadrak, Rural P.S. that no such case vide ICC No. 01 of 2005 has been registered by the police.
4. Accordingly, order dated 17th May, 2022 of this order, disposing of the CRLMC is recalled and the same is restored.
5. I.A. No. 1721 of 2022 is disposed of as allowed.

CRLMC No. 124 of 2022

6. Heard Mr.Pujari, learned counsel for the Petitioner and Mr.Das, learned ASC for the State.
7. In view of the submission of Mr. Das, learned ASC based on the instruction of the IIC, Bhadrak, Rural P.S. that no such police case has been registered relating to ICC No. 01 of 2005, the impugned order dated 23rd January, 2011 of learned

SDJM, Bharak is liable to be set aside. However, it is seen that though the impugned order was passed on 23rd January, 2011 but the Petitioner, who is the complainant, slept over the matter till 2022 and filed the CRLMC on 18th January, 2022 only i.e. after 11 years.

8. Thus, considering such huge delay in approaching this Court, the CRLMC is not entertained and the same is dismissed.

S.Das



(B.P. Routray)
Judge