

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 162 of 2020

**Pragyan Priyadasini
Barik**

...

Petitioner

Mr. A.K. Das, Advocate

- Versus -

Lal Mohan Sabat

...

Opposite Party

**CORAM:
JUSTICE SASHIKANTA MISHRA**

**ORDER
27.01.2022**

Order No.

1.

1. This matter is taken up through virtual mode.
2. Heard learned counsel for the petitioner.
3. The petitioner is an accused in ICC Case No. 274 of 2016 pending in the Court of learned S.D.J.M., Bhadrak for the alleged commission of offence under Section 138 of N.I. Act.
4. It is stated that the matter is posted for defence evidence and at that stage the accused sought for an adjournment on 04.01.2020, which was rejected. It is submitted by learned counsel for the petitioner that the accused is a lady and is suffering from several gynecological ailments for which she could not appear on the date fixed nor could instruct the conducting counsel appropriately. In support of such submission, the OPD prescription issued by CHC, Agarpada in the district of Bhadrak has been enclosed as Annexure-3. It is further submitted by learned counsel for the petitioner that the case is still pending and has not been able to be taken up for hearing because of the Covid-19 pandemic situation.

5. Having regard to the grounds on which the petitioner sought for adjournment, this Court is of the view that ends of justice would be best served if at least one opportunity is granted to her to adduce evidence from her side.

6. The CRLMC is therefore disposed of by directing the trial Court to grant one opportunity to the accused-petitioner to adduce evidence from her side. It is made clear that no further adjournment or opportunity shall be granted for the purpose.

7. As the restrictions due to resurgence of Covid-19 situation are continuing, learned counsel for the parties may utilize a printout of the order available in the High Court's website, at par with certified copy, subject to attestation by the concerned advocate, in the manner prescribed vide Court's Notice No. 4587, dated 25th March, 2020, modified by Notice No. 4798, dated 15th April, 2021, and Court's Office Order circulated vide Memo Nos. 514 and 515 dated 7th January, 2022.

(Sashikanta Mishra)
Judge

A.K. Rana