

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**BLAPL No. 498 of 2022**

**Mitu @ Dillip Pradhan** .... **Petitioner**

Mr.A. Pattanaik, Advocate

-versus-

**State of Odisha** .... **Opp. Party**

Mr. A. Das,  
Addl. Government Advocate

**CORAM:**

**JUSTICE S.K. SAHOO**

**Order No.**

**ORDER**

**22.07.2022**

03. This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

Heard learned counsel for the petitioner and learned counsel for the State.

This is an application under section 439 of Cr.P.C. in connection with S.T. Case No.242 of 2018 arising out of Khallikote P.S. Case No.213 of 2017 pending in the Court of learned Addl. Sessions Judge, Khallikote, for offences punishable under sections 307/353/34 of the Indian Penal Code read with section 25(1-B)(a)/27 of the Arms Act, 1959.

On 15.07.2022 after perusing the status report submitted by the learned trial Court i.e., learned Addl. Sessions Judge, Khallikote, Ganjam in connection with

S.T. Case No.242 of 2018, this Court found that the petitioner Mitu @ Dillip Pradhan is in judicial custody till 11.07.2017 but no charge has been framed and the case is lingering at the stage of framing of charge due to non-submission of chemical examination report. This Court directed the Inspector-in-charge of Khallikote police station to collect the chemical examination report from RFSL, Berhampur and produce the same before the learned trial court positively on 21<sup>st</sup> July 2022 and further directed the Inspector-in-charge of Khallikote police station and the Deputy Director of RFSL, Berhampur to appear before this Court through virtual mode today at 10.30 a.m.

As per the order dated 15.07.2022, Mr. Jagannath Mallik, the Inspector in-charge of Khallikote police station so also Mr. Jasobant Dehury, Deputy Director-in-charge of RFSL, Berhampur appeared through virtual mode today and it is stated by Mr. Mallik that after receipt of the chemical examination report, the same has been submitted before the learned J.M.F.C, Khallikote Yesterday (21.07.2022) but it appears that the case is pending in the court of learned Addl. Sessions Judge, Khallikote in S.T. Case No.242 of 2018. Steps shall be taken immediately by the learned J.M.F.C., Khallikote to send the chemical examination report to the learned trial Court.

A free copy of this order be handed over to the learned counsel for the State which will be sent to the Inspector in charge of Khallikote police station for taking necessary steps so that the chemical report reaches the trial Court by tomorrow (23.07.2022).

Mr. Jasobant Dehury, Deputy Director-in-charge of RFSL, Berhampur submitted that in RFSL, Berhampur, though the sanctioned strength of scientific experts for preparation of the chemical examination report is five, but only two scientific officer are available and that too they are on deputation basis and monthly average of cases received in RFSL, Berhampur is around one hundred ninety four. He further submitted that on account of shortage of scientific officers, the preparation of the reports is getting delayed.

Few months back, in one matter, the learned Advocate General appeared and assured this Court that steps shall be taken by the State Government at an earliest to fill up those posts. It is expected that the State Government shall take immediate steps for filling up the vacant posts of scientific officers in SFSL, Rasulgarh and different RFSL of the State so that there would not be any delay in the trial of the cases.

Considering the submissions made by the learned counsel for the respective parties and on perusal of the materials available on record, while not

inclining to release the petitioner on bail, I direct the learned trial Court to take immediate steps in relation to the framing of charge after receipt of the chemical examination report and expedite the trial keeping in view the period of detention of the petitioner in judicial custody. The learned trial Court shall take steps to examine the material witnesses at the first instance. The petitioner would be at liberty to renew the prayer for bail after examination of such witnesses.

The BLAPL stands disposed of.

A free copy of this order be communicated to the learned trial Court.

**( S.K. Sahoo )**  
**Judge**

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