

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.702 of 2011

Sri Upendra Kumar Behera ***Petitioner***
versus-
State of Orissa and others ***Opposite Parties***

CORAM: JUSTICE S. PUJAHARI

Order
No.

ORDER
04.04.2022

07. 1. This matter is taken up through hybrid mode.
2. This application under Section 482 of Cr.P.C. has been filed by the Petitioners with a prayer to quash the order dated 8th July, 2010 passed by the learned Adhoc Additional Sessions Judge (FTC), Jaipur in S.T. (Sessions) No.51 of 2009 wherein the prayer made by him to stay aforesaid case awaiting commitment of I.C.C. No.214 of 2008, which is pending in the Court of S.D.J.M., Jaipur and to get the same with the aforesaid case, has been refused as the same being not maintainable.
3. No one appears on behalf of the Petitioner when the matter is called.
4. The case is of the year 2011.
5. As such, this Court is of the view that the Petitioner is a recalcitrant litigant and does not want to proceed with the matter.
6. Hence, this CRLMC stands dismissed for non-prosecution.

7. However, liberty is given to the Petitioner that if the aforesaid case is still pending and I.C.C. No.214 of 2008 is a counter case to the same, he may approach the court of S.D.J.M., where the case is pending for commitment of case in exercise of the power under Section 323 of Cr.P.C., even if the said case is triable by the court of sessions.

(S. Pujahari)
Judge

DA

