

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMP No.136 of 2022

Md. Ajmal

....

Petitioner

*Mr. T.K. Mohanty,
Advocate*

-versus-

State of Odisha & others

....

Opp. Parties

*Mr. S.K. Samal,
Additional Government Advocate*

**CORAM:
JUSTICE BISWAJIT MOHANTY**

**ORDER
07.02.2022**

Order No.

- 01.
1. This matter is taken up through video conferencing mode.
 2. Heard Mr. Mohanty, learned counsel for the petitioner and Mr. Samal, learned Additional Government Advocate.
 3. Mr. Mohanty submits that after registration of Capital P.S. Case No.85 dated 07.02.2021, the petitioner and his family members are living under constant threat from the accused persons. Therefore, he prays that the opposite parties be directed to give adequate protection to the petitioner and his family members.
 4. Mr. Samal submits that for getting protection, the petitioner should approach the “Competent Authority” as constituted under the “Witness Protection Scheme, 2019” notified by the Government of Odisha vide Extra-ordinary Gazette Notification No.1164 dated 6.7.2019 in tune with the judgment of the Supreme Court in the case of **Mahender Chawla & others v. Union of India & others** reported in **(2019) (I) OLR (SC) 126**. According to him, since the petitioner

is the informant, he being a star witness in case of a future trial, he can seek protection under the above noted Scheme by filing an appropriate application in the prescribed form before the “Competent Authority” consisting of the learned District & Sessions Judge as Chairman, head of the Police in the district as Member and head of prosecution in the district as its Member Secretary. He also submits that the said Scheme provides different types of protection measures under Clause -7.

5. In such background, Mr. Mohanty submits that the petitioner may be granted liberty to approach the “Competent Authority” for the purpose of getting protection.

6. Considering the submissions made, this Court grants liberty to the petitioner to approach the “Competent Authority” under Witness Protection Scheme, 2019 in an appropriate manner. In the event such a motion is made, the “Competent Authority” is directed to take a decision on such motion in tune with the above noted Scheme as expeditiously as possible.

7. Accordingly, this CRLMP is disposed of.

8. Urgent certified copy of this order be granted on proper application.

(Biswajit Mohanty)
Judge