

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.3387 of 2011

Praja Padhan and others *Petitioners*
versus-
State of Orissa *Opposite Party*

CORAM: JUSTICE S. PUJAHARI

Order
No.

ORDER
16.03.2022

08. 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 September, 2011 passed by the learned Additional Sessions Judge-cum-Special Judge (Vigilance), Balangir in Sessions Case No.45/3 of 2007 with a direction to the learned trial court to recall P.Ws. 1, 3 and 4 for further cross-examination.
3. Heard the learned counsel for the Petitioners and the learned counsel for the State.
4. It appears that the Petitioners have filed a petition under Section 311 of Cr.P.C. before the trial court to recall the aforesaid prosecution witnesses for further cross-examination. No doubt, such power is plenary one and can be exercised at any stage of the trial, but the same must be exercised, if the evidence is essential for just decision of the case, is well settled in law. But, the trial court taking note of the evidence adduced and the fact that some questions required to be put in cross-

examination have already been put to the witnesses and other questions are not relevant, rejected the prayer.

5. Learned counsel for the Petitioners could not justifying, how the questions those were left out to be asked are essential for just decision of the case, during the course of hearing.

6. In such premises, this Court finds no illegality and impropriety in the aforesaid order.

7. Accordingly, the CRLMC stands dismissed.

8. Interim order dated 28th September, 2011 passed by this Court in Misc. Case No.2232 of 2011 stands vacated.

9. Order be communicated to the court concerned forthwith.

(S. Pujahari)
Judge

DA