

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 2749 of 2012

Tirupati Chowdari

....

Petitioner

Mr. Sarthak Nayak, Advocate

-versus-

State of Orissa and another

.... ***Opposite Parties***

Mr. P.K. Muduli, AGA

**CORAM:
THE CHIEF JUSTICE**

**ORDER
20.05.2022**

Order No.

04. 1. The grievance of the Petitioner is that being the accused he ought to have been heard by the learned Sessions Judge, Khurda at Bhubaneswar who disposed of Criminal Revisions No.9 of 2012 filed at the instance of Opposite Party No.2 by the impugned order 8th June, 2012.
2. Relying on the judgment of the Supreme Court in *Manharibhai Muljibhai Kakadia and others v. Shaileshbhai Mohanbhai Patel and others (2012) 10 SCC 517* it is urged that without notice to the accused, no order could have been passed.
3. Although Mr. P.K. Pani, learned counsel is shown to have entered appearance on behalf of Opposite Party No.2, today none appeared.
4. In that view of the matter the impugned order dated 8th June 2012, is hereby set aside and Criminal Revision No.9 of 2012 is restored to the file of learned Sessions Judge, Khurda at Bhubaneswar to be proceeded with in accordance with law after

impleading the present Petitioner as Opposite Party No.2. The said revision petition will be listed before the Sessions Judge, Khurda at Bhubaneswar on 18th July, 2022 on which date the present Petitioner will remain present before the said Court.

5. The petition is disposed of in the above terms.

6. The interim order passed earlier is hereby vacated.

7. The Superintendent of the concerned Branch is directed to immediately communicate this order to the concerned subordinate Court.

S. Behera



(Dr. S. Muralidhar)
Chief Justice