

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 2351 of 2017

Chandra Sekhar Pradhan

....

Petitioner

Ms. Deepali Mohapatra, Advocate
-versus-

State of Odisha

....

Opposite Party

Mr. J. Katikia, Addl. Govt. Advocate

**CORAM:
THE CHIEF JUSTICE**

Order No.

**ORDER
02.12.2022**

05. 1. The challenge in the present petition is to an order passed by the trial Court i.e. the Nayadhikari Grama Nyayalaya, Puri on 6th July, 2017 in G.R. Case No.469 of 2016 permitting recall of two prosecution witnesses (PWs) as well as to the order dated 31st July, 2017 passed by the learned Sessions Judge, Puri in Criminal Revision No.15 of 2017 affirming the order of the trial Court.
2. While directing notice to issue in the present petition on 18th October, 2017 there was a stay granted of further proceedings.
3. Ms. Mohapatra, learned counsel for the Petitioner urges two pleas. One is that the Petitioner was not given an opportunity of being heard before the impugned order was passed under Section 311 of Cr PC.

4. Learned Additional Government Advocate for the State points out that the Petitioner had filed an application for being exempted from appearing from the trial Court and, therefore, was not served with the copy of the application.

5. Be that as it may, the Petitioner would have full of opportunity for cross-examining the said two PWs upon their recall. Consequently, the Court does not consider it to be a ground for interference.

6. The other ground is that the proceedings were recorded in English whereas the Grama Nayalaya should as far as possible record the statements in the local language. Considering that the parties are represented by English knowing counsel, the Court does not consider this to be causing any great prejudice to them. The respective counsel can certainly help the party understand what is being said. Consequently, the Court is not persuaded to interfere.

7. The petition is dismissed. The interim order passed earlier is hereby vacated.

8. A copy of this order be communicated to the concerned Subordinate Court forthwith.

(Dr. S. Muralidhar)
Chief Justice