

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2074 of 2016

Raj Kumar Agarwal and others

.... ***Petitioners***
Mr. B.P. Satapathy, Advocate

-versus-

State of Orissa and another

.... ***Opp. Parties***
Mr. S.S. Pradhan, A.G.A.

CORAM:
JUSTICE G. SATAPATHY

ORDER
10.11.2022

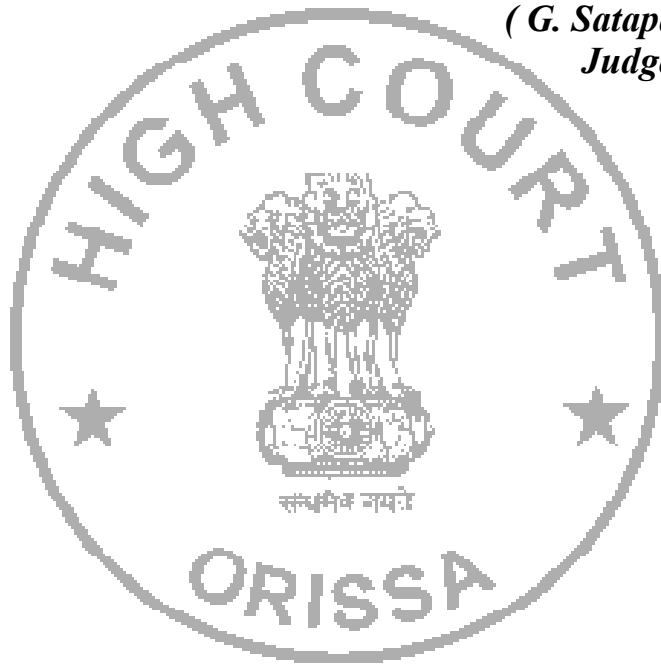
Order No.

- 04.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. Before the hearing of CRLMC, learned counsel for the Petitioners by filing one photo copy of Death Certificate of Binod Kumar Agarwal who was Petitioner No.2 in this CRLMC prays to delete his name from the cause title and accordingly, the name of Binod Kumar Agarwal be deleted from the cause title. The memo along with photo copy of Death Certificate be kept on record.
 3. In the course of hearing of CRLMC, learned counsel for the Petitioners further prays to dispose of the CRLMC with liberty to the Petitioner to approach the Court in seisin of the case by filing in application under section 320(2) of the Cr.P.C. and in that event, the concerned Court shall dispose of the same in accordance with law.
 4. Learned counsel for O.P No. 2 is also present so also learned counsel for the State, but both of them raise no objection to such prayer for the Petitioners.
 5. In view of the aforesaid prayers and submissions, this Court without advertting to the merits of the case disposes of the CRLMC with liberty to the surviving Petitioners to approach the learned Court in

seisin of the case in an appropriate application under section 320(2) of the Cr.P.C. and in that event, the same shall be disposed of in accordance with law. O.P. No. 2 is directed to cooperate with the Court in seisin of the case, but it is made clear that O.P. No. 2 or anybody representing the office of O.P. No.2 is at liberty to exercise discretion in the matter relating merits of the case.

6. Issue urgent certified copy.

Priyajit



*(G. Satapathy)
Judge*