

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 1670 of 2022

Pradeep Kumar Sethy

....

Petitioner

Mr. M. Kanungo, Sr. Advocate

- Versus -

State of Odisha

.... **Opposite Party**

Mr. S.K. Mishra, Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

05.08.2022

Order No.

11.

1. This matter is taken up through hybrid mode.
2. As directed, reports have been submitted by learned S.D.J.M., Jagatsinghpur and learned S.D.J.M., Bhubaneswar explaining as to under what circumstances and for what reason the order dated 25.06.2013 passed by learned S.D.J.M., Jagatsinghpur was not acted upon for as long as nine years.
3. Be it noted at the outset that on the prayer of the I.O., learned S.D.J.M., Jagatsinghpur vide order dated 25.06.2013 directed that a WT message be sent to learned S.D.J.M., Bhubaneswar to intimate whether the accused persons could be spared or not.
4. Learned S.D.J.M., Jagatsinghpur, in his report dated 29.07.2022 has stated that on 21.07.2013 learned S.D.J.M., Bhubaneswar informed that the accused had been spared to learned S.D.J.M., Nayagarh for a period of seven days and the requisition will be considered after his return from the said court. Subsequently, no information was received for which, WT messages were sent on 07.09.2013, 20.01.2014, 17.03.2015 and 25.07.---(year not mentioned) to learned SDJM, Bhubaneswar to spare the accused persons. Since then, no information was

received from learned S.D.J.M., Bhubaneswar. Subsequently, after being informed by the APP, Jagatsinghpur a letter was issued to learned OPID Court, Berhampur for sparing the accused pursuant to which the accused was spared and remanded to judicial custody on 22.03.2022.

5. On the other hand, learned S.D.J.M., Bhubaneswar in his report dated 03.08.2022, has stated in detail regarding sparing of the accused to the Court of learned S.D.J.M., Nayagarh vide order dated 17.07.2013, his return from Nayagarh on 31.07.2013, transfer of the case record to the court of learned CJM, Bhubaneswar on 20.08.2013 etc. Significantly, learned SDJM has candidly admitted that the order (WT message) dated 21.07.2013 of learned S.D.J.M., Jagatsinghpur was not acted upon by the then S.D.J.M., Bhubaneswar.

6. From the reports as above, it is more than evident that the matter has been dealt with in a lackadaisical and slipshod manner by the Presiding Officers and in particular, the then S.D.J.M., Bhubaneswar. Since in the meantime, several officers may have held the post of S.D.J.M. it may not be practicable to fix responsibility on any one or all of them. Nevertheless, this court is of the considered view that since these are matters affecting personal liberty of accused persons, they should engage the required attention of the Presiding Officers concerned and be considered with all seriousness, promptitude and sensitivity.

7. I, therefore, deem it proper to direct the Registrar (Judicial) to place the matter before the Court in its administrative side to consider issuance of appropriate guidelines/instructions to all Magistrates/judicial officers dealing with criminal cases for their

guidance as also to ensure that the requests made by a Court to another Court to spare an accused should be dealt with promptly and the requesting Court be informed of the decision without any delay.

(Sashikanta Mishra)
Judge

A.K. Rana

