

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**CRLMC No.534 of 2022**

***Adakatia Jogu @ Jagu Adaktia and  
another*** ..... ***Petitioners***

Mr.B.K.Ragada, Advocate

-versus-

***State of Odisha***

..... ***Opp.Party***

Mr.P.K.Mohanty, Advocate

**CORAM:  
JUSTICE B. P. ROUTRAY**

**ORDER**

**11.4.2022**

**Order No.**

2.

1. Heard Mr.Ragada, learned counsel for the Petitioners and Mr.Mohanty, learned A.S.C. for the State.

2. The present petition is directed against order dated 6<sup>th</sup> January, 2022 passed by learned Ad-hoc Addl. Sessions Judge (FTSC), Jeypore in T.R.No.63 of 2014, wherein the prayer to further cross-examine the victim (PW2) has been rejected.

3. The Petitioners are the accused for alleged sexual offences under the I.P.C. as well as Section 6 of the POCSO Act. After examination of five witnesses including victim (PW.2), a petition was filed under Section 311 of the Cr.P.C. praying to recall PW.2 for further cross-examination. She, a minor aged about 13 years, was examined on 21<sup>st</sup> October, 2017 and 1<sup>st</sup> November, 2017. The petition was filed in January, 2022 praying to recall her on the ground that some relevant questions were left out. The proposed questionnaires as narrated in the petition include the question that, 'Do you want to proceed this case against the accused' ? The

learned trial court taking note of the restrictions prescribed under Section 33(5) of the POCSO Act refused such prayer of the Petitioners on the ground that victim should not be called repeatedly to the Court. I do not see any infirmity in the said order of the learned trial court since the victim has previously attended the court twice for recording her evidence.

4. Moreover, the proposed question as stated above clearly speaks of the influence exerted on the victim to speak in favour the Petitioners. Such attitude of getting favourable statement from the witness through further cross-examination should be discouraged, particularly involving sexual offence against minor child. As such, I am not inclined to interfere with the impugned order and the CRLMC is dismissed.

**( B.P. Routray )**  
**Judge**