

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLLP No. 06 of 2020

State of Orissa

....

Appellant
Sk.Zafrulla, ASC

-versus-

Kamalakanta Medri & Ors.

....

Respondents
Mr. Digambar Sethi, Advocate

CORAM:
JUSTICE C.R. DASH
JUSTICE SAVITRI RATHO

Order No.

ORDER

06.01.2022

CRLLP No. 06 of 2020 & I.A. No. 07 of 2020

05.

The matter is taken up by hybrid mode.

Heard.

There is a delay of 440 days in preferring this Criminal Appeal by the State. Except the standard explanation as to where the file was kept for how many days, there is no satisfactory explanation about the cause of delay.

It is true that Government is an impersonal organization and delay is usually caused in processing of a file but so far the legal remedy is concerned, such latches on the part of the authorities cannot be taken lightly. From paragraph 3 of the I.A. No.07 of 2020, we find that Director of Public Prosecutions, Odisha has also opined not to file an appeal in the matter. From the impugned judgment also we find that sufficient findings have been given as to why learned trial court did not feel it proper to rely on the dying declaration both oral and recorded.

Taking into consideration of such facts, we do not feel persuaded to condone the delay of 440 days in preferring the CRLLP.

Accordingly, the CRLLP is dismissed on the ground of delay and IA. is disposed of.

Urgent certified copy of this order be granted on proper application.

(C.R. Dash)
Judge

(Savitri Ratho)
Judge

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