

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.606 of 2022

Sri Prakash Samal

.... Petitioner

Mr. P.K. Nayak, Advocate

-versus-

State of Odisha and others

.... Opposite Parties

Mr. S.N. Mishra, A.G.A.

CORAM:

JUSTICE B. P. ROUTRAY

ORDER

22.03.2022

Order No.

01.

1. Heard Mr. P.K. Nayak, learned counsel for the Petitioner as well as Mr. S.N. Mishra, learned A.G.A. for the State-Opposite Party No.1.

2. Present application is directed against the order dated 8.12.2021 passed by the learned Additional Sessions Judge, Gunupur in Criminal Revision No.02 of 2020.

3. It is contended by Mr. Nayak, learned counsel for the Petitioner that present impugned order under Annexure-2 passed in Criminal Revision No.02/2020 is arising out of the order of the Magistrate passed under Sec.128 of the Cr.P.C. He contends that the original order under Sec.125, Cr.P.C. has been challenged in Criminal Revision No.1/2020 which is pending before the same court, i.e. learned Additional Sessions Judge, Gunupur and despite the prayer of the Petitioner for analogous hearing of said revision along with the present revision by clubbing up them together, learned Additional Sessions Judge, Gunupur has

disposed of the present revision only by the impugned order leaving the other revision pending till date.

4. Considering the limited grievance of the Petitioner, the CRLMC is disposed of by remanding the matter back to the learned Additional Sessions Judge, Gunupur with a direction to hear Criminal Revision No.1/2020 and Criminal Revision No.2/2020 analogously and pass order in accordance with law within a period of three months from the date of receipt of certified copy of this order.

5. However, it is open for Opposite Party Nos.2 to 4 to seek modification/clarification of this order, if they feel aggrieved, since the present CRLMC is disposed of at the stage of admission without serving notice on them.

6. The execution of NBW issued pursuant to the order dated 8.12.2021 shall be kept in abeyance till the Petitioner appears before the learned Additional Sessions Judge, Gunupur in terms of the present order.

7. An urgent certified copy of this order be granted on proper application.

(B.P. Routray)
Judge