

IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLMC No.730 of 2022

Shankarsan Rout

....

Petitioner

Mr. Bishnu Prasad Pradhan, Advocate

-versus-

Anuradha Rout @ Jhili Swain

....

Opp. Party

CORAM:
SHRI JUSTICE B. P. ROUTRAY

ORDER
4.5.2022

Order No.

02. 1. Mr. B.P. Pradhan, learned counsel for the Petitioner submits that despite earlier order of this court dated 20th August, 2019 passed in CRLMC No.2048 of 2019 to readdress his grievance with regard to playing of the compact disk (CD), learned Magistrate in the impugned order dated 7th December, 2021 has rejected the same questioning the authenticity of the said CD in reference to the decision of *Anvar P.V. v. P.K. Basheer and Others, (2014) 10 SCC 473*.
2. Considering the fact that the decision in *Anvar P.V.* (supra) has been clarified in the subsequent decision of the Hon'ble Supreme Court in *Arjun Pandit Rao Khotkar v. Kailash Kushan Rao Gorantyal and Ors., (2020) 79 OCR (SC) 455* and the limited grievance of the Petitioner is regarding play of the CD, the matter is remanded back to the concerned Magistrate to reconsider the prayer of the Petitioner in view of the principles settled in the case of *Arjun*

Pandit Rao Khotkar (supra), within a period of one month from the date of receipt of certified copy of this order.

3. Since this order has been passed at the stage of admission without hearing the Opposite Party, it is open for the Opposite Party to seek clarification / modification of this order in case she felt prejudiced.

4. The CRLMC is accordingly disposed of.

5. An urgent certified copy of this order be issued as per rules.

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

M.K.Panda

