

THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.2385 of 2022

Alok Samantaray

....

Petitioner

Mr. Millan Kanungo, Senior Advocate

-versus-

State of Odisha and others

....

Opposite Parties

Mr. M.K. Mohanty, ASC for State

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

25.03.2022

Order No.

I.A. No.413 of 2022

- 05.
1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
 2. Heard learned counsel for both the parties.
 3. This application has been filed by the Petitioner for recalling the order dated 11.03.2022.
 4. While hearing the criminal appeal, this Court observes that the charge-sheet has been filed involving offences under the POCSO Act, therefore by order dated 11.03.2022, this Court directed to register the present appeal as 'BLAPL' instead of 'CRLA'.
 5. However, during course of hearing, learned counsel for the Petitioner produced the order dated 15.02.2022 passed by the Additional District Judge (F.T.S.C.), Cuttack in Spl. G.R. Case No.69 of 2019, wherein it has been held by the learned court below as under:

“xxx xxx xxx. I found no case against the accused under any of the penal provisions of the P.O.C.S.O. Act.

xxx xxx xxx. I am of the opinion that there are grounds for presuming that the accused has committed the offences U/s.376(2)(n)/354/354(A)/506 of the I.P.C. and U/s.3(1)(r)(s)/3(1)(w)(i)/3(2)(v)(va) of the S.C. & S.T. Act.”

Therefore, it is revealed from the said order that the offence under the POCSO Act has been dropped and the court below has taken cognizance for commission of offences under the I.P.C. as well as S.C. and S.T. (POA) Act. In view of the provision of S.C. and S.T. (POA) Act, the present appeal under Section 14(9) of the S.C. and S.T. (POA) Act is maintainable.

6. In such view of the matter, the order dated 11.03.2022 passed in CRLA No.784 of 2021 stands recalled. The appeal is restored to its original file.

7. List the present appeal in the next week under the heading ‘For Admission’.

(A.K. Mohapatra)
Judge