

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2332 of 2017

Ramesha Pallai and others ***Petitioners***
M/s. N. K. Sahu and associates, Advocates
-versus-
State of Odisha and another ... ***Opposite Parties***
Mr. Janmajaya Katikia, AGA

**CORAM:
THE CHIEF JUSTICE**

Order No.

**ORDER
09.12.2022**

07. 1. Learned counsel appearing for the Petitioners relies on the judgment of the Supreme Court of India in ***Swapan Kumar Chatterjee v. Central Bureau of Investigation, (2019) 14 SCC 328***, where it was observed that where the prosecution evidence “has been closed long back and the reasons for non-examination of the witness earlier are not satisfactory, the summoning of the witness at belated stage would cause great prejudice to the accused and should not be allowed.”
2. However, in the present case it is seen that while the prosecution evidence was closed in December 2016, the application for summoning five more witnesses, three of whom were stated to be eye-witnesses and two medical officers, was filed in June, 2017 i.e. within six months. It cannot therefore be said that the attempt at summoning more witnesses was ‘belated’ or long after the closure of the prosecution evidence.

3. As rightly observed by the trial Court, the Petitioner would not be greatly prejudiced because in any event, the Petitioner would be able to cross-examine the said witnesses.

4. In that view of the matter, the impugned order does not call for interference. The petition is dismissed. The interim order passed earlier stands vacated. A copy of this order be sent to the concerned Court below forthwith.

(Dr. S. Muralidhar)
Chief Justice

M. Panda

