

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.836 of 2022

Bharat Digal

....

Petitioner

Mr. N. Lenka, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.K. Mohanty, A.S.C.

CORAM:

JUSTICE B. P. ROUTRAY

ORDER

12.04.2022

Order No.

01.

1. Heard Mr. N. Lenka, learned counsel for the Petitioner as well as Mr. P.K. Mohanty, learned A.S.C. for the State –Opposite Party.

2. The grievance of the Petitioner is against the rejection of his prayer to recall P.W.-1 for further cross-examination.

3. By order dated 12.01.2022, the learned Ad hoc Addl. Sessions Judge (FTSC), Bhubaneswar rejected the prayer of the Petitioner on the ground that such prayer has been made at a belated stage.

4. The offences alleged are under Secs.376-AB/506, I.P.C. and Sec.6 of the POCSO Act. From the copy of the depositions of the victim filed under Annexure-3, it reveals that she was examined on 27th February, 2019 by the prosecution and her cross-examination has been declined.

5. It is contended by Mr. N. Lenka, learned counsel for the Petitioner that since his lawyer was unwell on that day, he could not cross-examine her and therefore her further cross-examination is very much necessary.

6. After hearing learned A.S.C. for the State-Opposite Party and considering the fact that the victim was not at all cross-examined, it is felt necessary for the just decision of the case to recall her for further cross-examination. As such, the prayer is allowed. Learned trial court is directed to recall said P.W.1 on a suitable date for her further cross-examination by the defense. It is made clear that failing to cross-examine on the date so fixed by the learned trial court, no further opportunity shall be granted to the Petitioner.

7. With the aforesaid direction, the CRLMC is disposed of.

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

(B.P. Routray)
Judge