

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**BLAPL No. 2757 of 2022**

**Ramesh Nayak @ Ramesh Ch. Nayak** .... **Petitioner**

Mr. V. Parmar, Advocate

- Versus -

**State of Odisha** .... **Opp.Party**

Mr. P.K. Tripathy,  
Addl. Standing Counsel

**CORAM:**

**JUSTICE SASHIKANTA MISHRA**

**ORDER**

**22.09.2022**

**Order No.**  
**05.**

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned Addl. Standing Counsel for the State.
3. As directed, Sri Siddharth Kataria, IPS, Superintendent of Police, Khurda is present in person and files an affidavit explaining the reasons as to why the order of this Court has not been carried out. Without mentioning the relevant dates, it is stated in the affidavit that though the concerned IIC was directed to transmit the case diary to the office of the Advocate General, she was unable to do so as she was engaged in certain law and order situation. What exactly was the law and order situation has not been clarified in the affidavit. However, the case diary has since been transmitted to the office of Advocate General on 19.09.2022.
4. Considering the above facts and taking a lenient view in the matter, the affidavit submitted by the S.P. is accepted. He is however, asked to remain more careful and to ensure that such lapses do not occur in future. Further, necessary action should also be taken against the erring officials.

5. Personal appearance of Sri Kataria is dispensed with.
6. The petitioner is in custody in connection with Khorda Sadar P.S. Case No.46 of 2014 corresponding to G.R. Case No.466 of 2014 pending in the Court of learned S.D.J.M., Khordha for the alleged commission of offence under Sections 147/148/302/307/286/294/436/149 of IPC, read with Section 9(b) of I.E. Act and Section 3 of E.S. Act.
7. It is alleged that the petitioner in association with some other persons assaulted the deceased by means of sword, axe, bomb and thena, ultimately killing him.
8. Prima facie, there are adequate materials to show the complicity of the petitioner in the alleged occurrence. As such, I am not inclined to allow the prayer for bail, which is therefore, rejected. However, this being a case of the year 2014, learned court below is directed to expedite the trial and conclude the same as early as possible preferably within a period of eight months from today. It shall be open to the petitioner to renew his prayer after examination of eye-witnesses in the case.
9. BLAPL is accordingly rejected.
10. Issue urgent certified copy as per rules.

**(Sashikanta Mishra)**  
**Judge**

*A.K. Rana*