

IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLMC No.1031 of 2017

Ashok Mahalik & Another

....

Petitioners

Mr. Sushant Kumar Jena,
proxy counsel on behalf of
Mr. Khirod Ku. Rout, Advocate

-versus-

State of Odisha & Another

....

Opposite Party

Mr. Shibani Shankar Pradhan,
Addl. Govt. Advocate

CORAM:
JUSTICE M.S. RAMAN

ORDER

02.12.2022

Order No.

09.

1. Mr. Sushant Kumar Jena, proxy counsel on behalf of Mr. Khirod Kumar Rout, learned counsel for the Petitioners prays for further adjournment.

2. Perusal of record shows that the learned counsel for the Petitioners has been praying for adjournment on each date of listing. Right from 13th July, 2017, the matter has been adjourned from time to time. The matter has been adjourned at the behest of the counsel for the petitioners on 18.07.2017, 18.11.2017, 03.12.2019 and 11.11.2022. Today Mr. Sushant Kumar Jena, proxy counsel again sought for further adjournment. The prayer is rejected since the matter has been lying over for the last 5 years and the matter has not yet been admitted.

3. The Petitioners seek to challenge the Order dated 14.03.2017 rejecting the petition filed under Section 227 of the Code of Criminal Procedure before the learned Assistant Sessions Judge-cum-Special Track, Bhadrak for discharge in S.T. No. 06/35 of

2017 by invoking provisions of Section 482 of the Code of Criminal Procedure. Since no stay of proceeding has been granted in this matter, keeping the matter pending any further would not serve any purpose. Perusal of order dated 14th March, 2017 passed by the Assistant Sessions Judge-cum-Special Track, Bhadrak in S.T. No. 06/35 of 2017 shows that the matter was put up on 17th March, 2017 for consideration of charge and it was directed that the accused persons would remain present on that date. Since more than five years have been elapsed, the learned counsel for the Petitioners is unable to apprise this Court with regard to current status of the said case.

4. In such view of the matter, the CRLMC stands dismissed.

(M.S. Raman)
Judge

Aks

