

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.962 of 2022

Doctor Sahu

....

Petitioner

Ms. Deepali Mahapatra, Advocate

-versus-

State of Odisha

....

Opp. Party

Mr. K.K. Das, Additional Standing Counsel

CORAM:

SHRI JUSTICE B. P. ROUTRAY

ORDER
22.4.2022

Order No.

- 01.
1. As copy has already been served, defect Nos.6 and 14(iii) are ignored. Ms. Mahapatra, learned counsel for the Petitioner is permitted to remove defect No.14(vi) in court.
 2. Heard Ms. Mahapatra, learned counsel for the Petitioner and Mr. K.K. Das, learned ASC for State.
 3. The impugned order dated 23rd March, 2022 passed by the learned 1st Additional Sessions Judge, Balangir in Criminal Revision No.3/1 of 2017-2022 confirming the cost imposed on the accused towards expenses of witnesses on account of his prayer to defer cross-examination of the witness has been challenged in the present petition.
 4. The Petitioner is an accused in the court of learned CJM-cum-Assistant Sessions Judge, Balangir in G.R. Case No.309 of 2013 in

respect of offences under Sections 409/467/471/120-B/34 of the I.P.C. On 15th March, 2017 when the case was posted for hearing and P.W.5 was examined by the prosecution, a petition was filed on behalf of the Petitioner to defer his cross-examination. The same was allowed but subject to deposit of Rs.2,000/- by the Petitioner towards expenses of the witness.

5. Such imposition of cost was challenged by the Petitioner in the Revision which was confirmed with reduction of amount to Rs.500/-.

6. Since the admitted fact remains that the Petitioner is an accused facing trial in a criminal prosecution, any direction to him for depositing the cost towards expenses of the witness would be inappropriate. As such, both the impugned orders are set aside.

7. The Petitioner be granted opportunity to cross-examine P.W.5 on any suitable date to be fixed by the trial court.

8. The CRLMC is accordingly allowed.

9. An urgent certified copy of this order be issued as per rules.

(B.P. Routray)
Judge