

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1061 of 2022

Purastam Sahu @ Purusottam ***Petitioners***
Sahoo and another
versus-
State of Odisha ***Opposite Party***

CORAM: JUSTICE S. PUJAHARI

ORDER

21.06.2022

Order
No.

03.

1. This matter is taken up through hybrid mode.
2. This application under Section 482 of Cr.P.C. has been filed by the Petitioners with a prayer to quash the order dated 4th April, 2022 passed by the learned Sessions Judge, Angul in C.T.(S) Case No.15 of 2009 wherein the petition under Section 311 filed by them to recall P.Ws. 2 and 25 for further cross-examination has been rejected.
3. Heard the learned counsel for the Petitioner and the learned counsel for the State-Opposite Party.
4. The Petitioners have challenged the aforesaid order of the learned Sessions Judge, Angul wherein their prayer under Section 311 of Cr.P.C. has been rejected, which was filed at the stage of argument indicating therein that the previous counsel had forgotten to put some question for further cross-examination of P.Ws.2 and 25 with the questionnaire therein.

But, the trial court appears to have held that change of a counsel is not a ground to accede to the prayer. In this regard, reliance has been made in the case of ***Sushil Ansal -vrs.- NCT of Delhi, reported in Crl. Misc. Case No.2107/2021 and Crl.M.A. No.14182 /2021.***

5. It is unfortunate that the learned Sessions Judge appears to have relied on the ratio of a decision which does not reflect the name of the court which laid down the ratio and also the journal in which it has been reported. In such premises, this Court is not in a position to verify the aforesaid law laid down in the said case scrutinize the sustainability of the order. Therefore, on the said score alone, I set aside the order impugned and direct the learned Sessions Judge, Angul to readdress the prayer of the Petitioners taking note of the law laid down in this regard. This court hopes that the learned Sessions Judge while taking note of the decision having precedent value, must give adequate reference of the same, to enable this Court to have the advantage of going through the same to scrutiny the order passed.

6. While parting with this case, I cannot refrain myself for observing the fact that in many of the cases, the officers of the district judiciary are citing decisions without reference to the journal and also the court which has decided the same. This Court, therefore, hope and trust that the Registry of this Court to do the needful to bring the same to the notice of judicial

officers of the district judiciary, so that they would remain careful while citing decision to give appropriate reference hereinafter in the order/judgment for the benefit of this court or any higher forum.

7. With the aforesaid order, this Criminal Misc. Case stands disposed of.

(S. Pujahari)
Judge

DA

