

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No.10017 of 2022

Prabesh Chandra Swain

....

Petitioner(s)

Mr. S.C.Satapathy,
Advocate

-versus-

State of Odisha & Ors.

....

Opposite Party(s)

Mr.U.K.Sahoo,
ASC

CORAM:

JUSTICE BISWANATH RATH

ORDER

02.05.2022

Order No.

02.

1. Heard the submissions of learned counsel for the Parties.
2. The case involves the allegation that the Statutory Appellate Authority has not followed the statutory requirements in disposal of the appeal. Undisputedly judgment of this Court dated 06.01.2022 in W.P.(C) No.38383 of 2021 has direct application to the case at hand. Mr.Sahoo, learned Additional Standing Counsel does not dispute on the position of law settled through above judgment of this Court and requests this Court to pass order accordingly. In the process this Court finds, the appellate order at Annexure-3 is not justified for being contrary to the non-compliance of statutory provisions. This Court thus setting aside the order at Annexure-3, following the above judgment however remit the matter back to the Appellate Authority to dispose of the Appeal Case No.2 of 2022(L) strictly in terms of the statutory requirements of Section 10 of the OPP(EUO) Act, 1972 and keeping in view the input provided in the aforesaid judgment by completing such exercise at least within a period of two and half months from the date of communication of the order. This Court also directs the petitioner to

produce a certified copy of this order along with the judgment referred to herein above before the Competent Authority on 10th May, 2022 and take date of argument.

3. With this observation, the writ petition stands disposed of.

(Biswanath Rath)
Judge

S.P. Dash

