

IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLMC No.1123 of 2022

Sangram Kesari Moharana and ***Petitioners***
Another

Mr. Manoranjan Khatua, Advocate

-versus-

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

Ms. S. Mishra, Additional Standing Counsel
Mr. P.C. Mishra, counsel for informant

CORAM:
SHRI JUSTICE B. P. ROUTRAY

ORDER
19.5.2022

Order No.

02. 1. Heard Mr. Khatua, learned counsel for the Petitioners, Ms. Mishra, learned ASC for State and Mr. P.C. Mishra, learned counsel for informant.
2. The prayer of the Petitioners is against rejection of their prayer to recall the investigating officer for further cross-examination.
3. The Petitioners are accused in respect of commission of offences under Sections 341/323/325/307/354/506/34 of I.P.C.
4. The I.O. (P.W.12) was examined by prosecution on 9th April, 2019. On the said date the present Petitioners declined to cross-examine him. Subsequently said witness was recalled on the prayer of the Petitioners on 10th July, 2019 when he was cross-examined in part and his further cross-examination was deferred to another date on the prayer of the Petitioners. The witness again appeared on 5th January, 2022 when his cross-examination was declined by the Petitioners. Further on the prayer of the Petitioners said P.W.12 was recalled and appeared on 18th April, 2022 when the Petitioner again declined to

cross-examine the said witness. Subsequently thereto the Petitioners again filed another petition on 11th April, 2022 to recall said I.O. for further cross-examination. The learned trial court rejected the prayer of the Petitioners on the ground that the Petitioners failed to cross-examine the witness despite being given several opportunities and the prayer to recall said witness again and again is a tactics adopted by the accused – Petitioners to linger the trial.

5. Keeping in view the facts narrated above and considering such number of opportunities granted to the Petitioners to cross-examine the witness, I do not find any fault in the approach of the learned Trial court to reject the prayer of the Petitioners.

6. In the result, the CRLMC is dismissed.

(B.P. Routray)
Judge

M.K.Panda