

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1285 of 2012

Namala Laxman Rao @ Nendu ***Petitioner***
Kumar Mishra

-versus-

State of Orissa and another ***Opposite Parties***

CORAM: JUSTICE S. PUJAHARI

ORDER

27.06.2022

Order

No.

04.

1. This matter is taken up through hybrid mode.
2. This application under Section 482 of Cr.P.C. has been filed by the Petitioner with a prayer to set aside the order dated 9th April, 2012 passed by the learned Additional Sessions Judge-cum-C.J.M., Puri in S.T. No.96/167 of 2009 and the entire proceeding.
3. Heard the learned counsel for the Petitioner and the learned counsel for the State-Opposite Party No.1.
4. The Petitioner has sought for quashment of the aforesaid proceeding on the ground that a compromise has been effected between the parties. But, the offence is one under Section 307 of I.P.C. which is a heinous offence and trial in the aforesaid case has already been concluded.

5. Considering the aforesaid as well as the fact that the case at the stage of delivery of judgment and in view of the law laid down in the case of *Narinder Singh and others vrs. State of Punjab and another*, reported in (2014) 6 SCC 466, this Court is not inclined to quash the aforesaid proceeding on the ground stated.

6. Accordingly, the CRLMC stands dismissed.

7. Since it is stated that the judgment is in sealed cover and this Court in CRREF No.1 of 1997, reported in **2016 (II) ILR-CUT-622 (State of Orissa v. Maheswar Sahu)** has held that the judgment prepared by one Presiding Officer kept in sealed cover cannot be pronounced by his successor still judgment is being kept in sealed cover, the Court in seisin over the matter on appearance of the Petitioner shall further hear the matter and on hearing the parties pronounce the judgment. Petitioner on failure to appear in the said case within six weeks hence, coercive steps shall be taken against him to secure his attendance.

8. Order be communicated to the court concerned forthwith.

(S. Pujahari)
Judge