

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1518 of 2010

Ajaya Kumar Mandal

....

Petitioner

-versus-

State of Orissa

....

Opposite Party

CORAM: JUSTICE S. PUJAHARI

ORDER

15.03.2022

Order

No.

05.

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 for expunction of remark/observation made against him in the judgment dated 15th December, 2009 passed by the Ad-hoc Additional Sessions Judge, Fast Track Court No.I, Cuttack in S.T. Case No.400 of 2007.
3. Heard the learned counsel for the Petitioner.
4. The Petitioner has filed this application to strike out the remarks/observations made in paragraph-28 of the aforesaid judgment, which reads as thus:-

“xxx xxx xxx xxx xxx xxx xxx xxx

Undoubtedly, the I.O. has committed serious lapse having not directed his investigation to know about the involvement of Sidhartha Ray in the alleged crime and admittedly, not only he did not examine him but also did not raid his house, though his investigation revealed existence of enmity between Sidhartha Ray and the deceased since prior to this incident. Also Sidhartha was not cited as a witness by police.”

5. The aforesaid observation has been made while rendering the judgment. The Petitioner during his examination was not given any opportunity to explain the same.

6. Therefore, this Court dispose of this writ petition with an observation that the same shall have no reflection in the service of the Petitioner in any manner.

(S. Pujahari)
Judge

DA