

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1202 of 2022

Smt. Sonali Mohapatra and others *Petitioners*
Mr. P. Panigrahi, Advocate
-versus-
State of Orissa and another *Opposite Parties*
Miss S. Mishra, A.S.C.
Mr. D.K. Das, Advocate for O.P. No.2

CORAM:
JUSTICE B. P. ROUTRAY

ORDER
18.05.2022

Order No.

01.

1. Heard Mr. P. Panigrahi, learned counsel for the Petitioners, Miss S. Mishra, learned A.S.C. for the State-Opposite Party No.1 and Mr. D.K. Das, learned counsel for Opposite Party No.2.
2. The Petitioners are the accused in 1CC No.1109/2016 before the learned J.M.F.C., Cuttack. Their prayer to further cross examine the complainant under Section 311, Cr.P.C. was rejected by the impugned order dated 19.4.2022 which is the subject matter of challenge in the present petition.
3. The Petitioners grievance is that in view of multiple proceedings between the parties, many documents required to be exhibited through the complainant in support of their defense. Learned trial court has rejected the prayer of the Petitioners by observing that since the evidence on the side of the complainant was closed on 11.4.2018 and the petition under Section 311, Cr.P.C. was filed on 26.10.2021, i.e., after gap of 3 ½ years when

the case is pending for accused statement, the intention of the Petitioners is to linger the proceeding further.

4. Having considered the submissions made by both the parties and considering the prayer of the Petitioners to give them fair chance for defence, the prayer to further cross-examine the complainant is allowed with a direction to the learned J.M.F.C., Cuttack to permit the Petitioners to further cross-examine the complainant-P.W.1 by fixing a suitable date for the same.

5. It is submitted by both the parties, now the case is fixed on 23rd June, 2022 before the learned J.M.F.C. Since both the parties are here before this Court, they are directed to appear on 23rd June, 2022 and the learned trial court may permit the Petitioners to further cross examine P.W.1 on the said date, if no impediment would be there, or may fix any other suitable date. It is made clear that no second opportunity shall be granted to the Petitioners for the purpose.

6. With the aforesaid observations, the CRLMC is disposed of.

7. An urgent certified copy of this order be granted on proper application.

(B.P. Routray)
Judge