

IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLMC No.1226 of 2022

Ajay Kumar Sahis

....

Petitioner

Mr. A.K. Sahoo, Advocate

-versus-

State of Orissa

....

Opp. Party

Mr. K.K. Das, Additional Standing Counsel

CORAM:
SHRI JUSTICE B. P. ROUTRAY

ORDER
18.5.2022

Order No.

01. 1. Heard Mr. A.K. Sahoo, learned counsel for the Petitioner and Mr. K.K. Das, learned ASC for State.
2. It is submitted by Mr. Sahoo that copy has already been served on the learned State counsel and memo of undertaking has also been filed. As such the defects are ignored.
3. Against rejection of his prayer to recall and further cross-examine the victim (P.W.1) under Section 311 Cr.P.C., the Petitioner has approached this Court.
4. The Petitioner is accused in S.T. Case No.24 of 2017 for alleged commission of offence under Sections 363/366/368/506 of I.P.C. The victim was examined as P.W.1 on 16th November, 2017. Thereafter the Petitioner filed a petition praying to recall her for further cross-examination which was allowed by the learned trial court and the date was fixed to 15th December, 2021. On that date

though P.W.1 was present but the Petitioner did not cross-examine her due to non-availability of concerned conducting lawyer. Again another petition was filed to recall her which was rejected by the present impugned order dated 4th April, 2022, which is the subject matter of challenge in the present petition.

5. Upon hearing learned State counsel and upon perusal of the petition filed U/s.311 Cr.P.C. under Annexure-6 as well as copy of the deposition of P.W.1, as filed in course of hearing and considering the circumstances, the prayer of the Petitioner to recall P.W.1 is allowed.

6. The learned trial court is directed to permit the Petitioner to further cross-examine said witness by recalling her on any suitable date. It is made clear that failing to cross-examine P.W.1 on the date fixed by the learned trial court, the Petitioner shall not be given any further opportunity for that purpose.

7. The CRLMC is accordingly disposed of.

8. An urgent certified copy of this order be issued as per rules.

(B.P. Routray)
Judge