

IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No. 4015 of 2022

Neelu @ Praveen Agrawal

....

Petitioner

Mr. A.P. Bose, Advocate

Versus

State of Orissa

....

Opposite Party

Mr. D. Nayak, AGA

CORAM:

JUSTICE SAVITRI RATHO

ORDER

11.11.2022

Order No.

05.

(Through hybrid mode)

1. Perused the status report dated 02.11.2022 received from the Court of learned 3rd Additional Sessions Judge, Balasore. It is stated therein that in S.T. Case No. 55/2021 corresponding to C.T. Case No. 265/19 in the file of learned J.M.F.C., Basta arising out of Baliapal P.S. Case No. 117 of 2019, out of 24 charge sheet witnesses, 8 witnesses have been examined from the side of the prosecution. Examination of 2 other charge sheet witnesses have been declined by the prosecution. The delay in progress of the trial is due to non-appearance of the prosecution witnesses in spite of issuance of summons to them through the concerned I.I.C. Bailable warrants have been issued against 2 witnesses due to their non-appearance in spite of personal service of summons.

2. Mr. A.P. Bose, learned counsel for the petitioner submits that the petitioner is in custody since 23.07.2019 and has undergone left side total hip replacement surgery on 05.08.2022 and thereafter his right hip joint movement has become restricted along with severe pain while walking and sitting for which the right hip also needs

replacement. Considering the health condition of the petitioner, by order dated 19.09.2022, it had been observed that when the doctors of S.C.B. Medical College and Hospital would examine him in accordance with the discharge slip issued earlier, if possible, they would also examine him for the purpose of opinion if total replacement of his right hip was necessary.

3. Learned counsel for the petitioner submits that he has no instruction about such examination or operation but that the bail application may be disposed of directing the learned trial court to dispose of the trial within a specific period.

4. Considering the status report dated 02.11.2022 of the learned trial court and the submissions of the learned counsel for the petitioner, this BLAPL is disposed of requesting the learned trial court to complete the trial expeditiously, if possible within a period of four months from today.

5. Mr. D. Nayak, learned Additional Government Advocate is directed to instruct the concerned Police Station to co-operate with the learned trial Court for execution of NBW issued for production of the witnesses in this case.

6. Copy of this order be handed over to Mr. D. Nayak, learned Additional Government Advocate for compliance.

7. The BLAPL is accordingly disposed of with the aforesaid observation.

8. Urgent certified copy of this order be granted on proper application.

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(Savitri Ratho)
Judge