

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1274 of 2022

Himanshu Kumar Jena ***Petitioner***
-versus-
State of Odisha (Vigilance) ***Opposite Party***

CORAM: JUSTICE S. PUJAHARI

ORDER
21.07.2022

Order
No.

- 03.
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 quash the order dated 20th April, 2022 passed by the learned Special Judge (Vigilance), Balangir in CTR Case No.20 of 2017 wherein the petition under Section 311 of Cr.P.C. filed by him to recall the P.W.1-Informant and P.W.5-I.O. for their cross-examination has been rejected.
 3. Heard the learned counsel for the Petitioner and the learned Additional Standing Counsel appearing for the Vigilance Department.
 4. Perused the evidence of the witnesses vis-à-vis the questions, which are sought to be put to the aforesaid witnesses on recall, so also the impugned order.

5. It appears that a detailed cross-examination of the P.W.1 and P.W.5 has already been done and the prosecution was closed. The case was posted for accused statement. At that stage when the Petitioner-accused change his counsel, a petition for recall the said witnesses was filed to elicit answers on certain questions to be put on cross-examination, which are essential for just decision of the case, but by inadvertence, the earlier counsel left the same to be asked, according to the newly engaged counsel for the Petitioner. The trial court, taking note of all the questions as well as evidence of the witnesses, stated that those questions, which are sought to be put to the aforesaid witnesses on recall for further cross-examination, are not material questions and rejected the petition.

6. Considering the aforesaid facts and submissions made, especially going through the evidence of the decoy, this Court finds no illegality and infirmity in the impugned order.

7. Accordingly, the CRLMC stands dismissed.

(S. Pujahari)
Judge

DA