

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 3240 of 2017

Bhabani Pandey

....

Petitioner

Mr. Soubhagya Swain, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Ishwar Mohanty, Addl. Standing Counsel

**CORAM:
THE CHIEF JUSTICE**

Order No.

**ORDER
04.11.2022**

- 03.
1. The limited grievance in this petition is that the trial Court has rejected the prayer of the Petitioner to recall four of the witnesses for re-examination. The Petitioners are facing trial under Section 302 IPC. What the said witnesses might say when they appear in the Court for deposing could not have been anticipated by the trial Court as has been done in the impugned order. This Court is of the view that given the gravity of the offence, a chance ought to have been given to the Petitioner to summon the said witnesses through the Court process.
 2. Accordingly, the impugned order dated 16th October, 2017 is hereby set aside. The four witnesses to whom summons were sought to be issued by the Petitioner will now be summoned by the trial Court.
 3. For this purpose, the matter will now be listed before the trial Court on 15th December, 2022. The interim order is vacated.

4. Considering that this is a trial of the year 2010, the trial Court is directed to complete the defence evidence within one month and pronounce the final judgment within a further period of three months thereafter.

5. The petition is disposed of in the above terms. An urgent certified copy of this order be issued as per rules.

6. A copy of this order be communicated to the concerned Subordinate Court forthwith.

S.K. Jena/Secy.



(Dr. S. Muralidhar)
Chief Justice