

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1024 of 2021

***Manas Ranjan Jenamani &
another.***

....

Petitioners

-versus-

Elina Samal.

....

Opposite Party

CORAM: JUSTICE S.PUJAHARI

**ORDER
07.07.2022**

Order No.

07.

1. This matter is taken up through Hybrid mode.
2. The petitioners in this application under Section 482 of the Code of Criminal Procedure (for short “Cr.P.C.”) have prayed for quashing of the order dated 23.04.2021 passed by the learned Sessions Judge, Jajpur in Criminal Appeal No.7 of 2021, wherein the judgment and order dated 23.09.2020 of the learned J.M.F.C., Chandikhole in C.M.C. No.49 of 2018 directing the present petitioners to pay monetary relief and compensation under the Protection of Women from Domestic Violence Act, 2005 (for short the “PWDV Act, 2005”) has been challenged. The learned Sessions Judge, Jajpur dismissed the appeal being barred by limitation.
3. Heard the learned counsel for the petitioners and the learned counsel for the opposite party.

4. As it appears, the petitioners being saddled with the liability in C.M.C. No.49 of 2018 under the PWDV Act, 2005 by the learned J.M.F.C., Chandikhole, preferred Criminal Appeal No.7 of 2021 in the court of the learned Sessions Judge, Jajpur, but the same was dismissed on the ground of limitation though during the said period running of limitation was put to eclipse in view of the pandemic Covid-19 by the Apex Court in Suo-Motu Writ Petition (Civil) No.3 of 2020. But, the learned Appellate Court being oblivious to the same dismissed the criminal appeal. The impugned order, therefore, cannot be sustained which is accordingly quashed. Consequently, the learned Appellate Court is directed to take the criminal appeal for hearing on admission without computation of limitation and decide the same in accordance with law not later than two months of receipt of the certified copy of this order.

5. With the aforesaid order, this CRLMC stands disposed of being allowed.

6. Learned counsel for the petitioners is directed to produced the certified copy of this order before the learned Appellate Court within fifteen days hence.

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

(S. Pujahari)
Judge

MRS