

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1501 of 2022

Pritilata Mallick & another ***Petitioners***

-versus-

State of Odisha ***Opposite Party***

CORAM: JUSTICE S.PUJAHARI

ORDER

22.06.2022

Order
No.

01.

1. This matter is taken up through Hybrid mode.
2. Heard learned counsel for the Petitioners and the learned counsel for the State.
3. The Petitioners in the midst of the trial filed a petition for discharge from certain offences, which was rejected by the learned Addl. Sessions Judge-cum-POCSO Act, Cuttack in G.R. Case No.118 of 2019 vide order dated 06.01.2022. The Petitioners now have challenged the same in this case.
4. Since the Petitioners have not raised the said contentions at the time of framing of charge, liberty is given to the Petitioners to raise all the contentions that certain offences are not made from the evidence adduced, this Court directs the trial court to look into the matter in its proper perspective vis-à-vis the evidence on record without being influenced by the impugned order.

5. It is stated that the victim in this case is not appearing and the accused is continuing in custody. If that be so, necessary coercive steps in accordance with law be taken by the court below, to procure the attendance of the remaining witnesses and conclude the trial of the aforesaid case expeditiously.

6. With the aforesaid order, this CRLMC stands disposed of.

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

PKS

