

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.748 of 2011

Pada Senapati.

....

Petitioner

-versus-

State of Odisha.

....

Opposite Party

CORAM: JUSTICE S.PUJAHARI

ORDER

14.03.2022

Order No.

05.

1. This matter is taken up through Hybrid mode.
2. The petitioner in this application under Section 482 of the Code of Criminal Procedure (for short “Cr.P.C.”) has challenged the order of cognizance dated 04.08.2010 passed by the learned S.D.J.M., Angul in C.T. Case No.1192 of 2010 in not taking cognizance of the offence under Section 307 of IPC against the accused.
3. No one appears for the petitioner at the time of call. This case is of the year 2011 and one decade has already been passed from the date of filing of this case. As such, the petitioner appears to be recalcitrant litigant and has lost interest in the present litigation. Hence, this CRLMC stands dismissed for non-prosecution.

4. However, this Court observes that if the trial Court during course of hearing on the question of framing of charge, finds no material to frame the charge under Section 307 of IPC, it is open to the trial Court to discharge the accused notwithstanding dismissal of this CRLMC.

5. A copy of this order be communicated to the Court below forthwith.

MRS

