

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1672 of 2022

Jitendra Kumar Mohanty *Petitioner*
-versus-
State of Orissa *Opposite Party*

CORAM: JUSTICE S. PUJAHARI

ORDER

21.07.2022

Order
No.

01. 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 challenging the order dated 5th May, 2022 passed by the learned Additional Sessions Judge-cum-Special Court under POCSO Act, Nayagarh in T.R. Case No.27 of 2016 wherein the application under Section 311 of Cr.P.C. filed by him has been rejected partly.
3. Heard the learned counsel for the Petitioner and the learned counsel for the State-Opposite Party.
4. The grievance of the Petitioner in this case is that his prayer for recall of the P.W.1, the victim, in a case under Section 376 of I.P.C. though has been allowed, but the trial court bound the Petitioner to ask certain questions only and

disallowed other questions, which the Petitioner sought to put to her during her cross-examination on recall.

5. Considering the limited grievance of the Petitioner, this Court dispose of this petition with a direction to the trial court on appearance of the P.W.1, allow the Petitioner to ask those questions, but if those are not held to be relevant or otherwise not essential and as such need not be answered by the victim, the trial court, it must give its ruling on the same during the cross-examination of the P.W.1, when the same are asked, inasmuch as that may be required by the Petitioner to be raised at the appellate stage in his defence, if so required.

(S. Pujahari)
Judge

DA