

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMP No.1187 of 2022

Rajib Nahak

....

Petitioner

***Mr. K. Behera,
Advocate***

-versus-

State of Odisha & others

....

Opposite Parties

***Mr. H.M. Dhal,
Additional Government Advocate***

**CORAM:
JUSTICE BISWAJIT MOHANTY**

ORDER

13.09.2022

Order No.

- 02.
1. Heard Mr. K. Behera, learned counsel on behalf of Mr. S.K. Nahak, learned counsel for the petitioner and Mr. H.M. Dhal, learned Additional Government Advocate.
 2. Learned counsel for the petitioner submits that after lodging of F.I.R in Polasara P.S. Case No. 146 of 2022 under Sections-341/294/323/302/34, I.P.C against the several accused persons, the petitioner and his family members are being threatened by the accused persons. Therefore, he prays that the Opposite Parties 2 and 3 be directed to give the petitioner and his family members adequate protection.
 3. Mr. Dhal, learned Additional Government Advocate obtained instruction submits that in the meantime investigation in connection with the above noted case has been completed and charge-sheet has already been filed on 31.05.2022 under Sections-341//294/323/34, I.P.C and he further submits that if still the

petitioner and his family members are being threatened; for getting protection, the petitioner should approach the “Competent Authority” constituted under “Witness Protection Scheme, 2019” notified by the Government of Odisha vide Extra-ordinary Gazette Notification No. 1164 dated 06.07.2019 in tune with the judgment of the Supreme Court in the case of *Mahender Chawla & others v. Union of India & others* reported in (2019 (I) OLR (SC) 126. According to him, since the petitioner is the informant, he being a star witness in case of a future trial, he can seek protection under the above noted scheme by filing a petition in the prescribed form before the “Competent Authority” consisting of the learned District & Sessions Judge as Chairman, head of the Police in the district as Member and head of prosecution in the district as its Member Secretary. He also submits that the said Scheme provides different types of protection measures under Clause-7.

4. In such background, Mr. Behera submits that the petitioner may be granted liberty to approach the “Competent Authority” for the purpose of getting protection.

5. Considering the submissions made, this court grant liberty to the petitioner to approach the “Competent Authority” under “Witness Protection Scheme, 2019” in appropriate manner. It is made clear that in the event such a motion is made, the “Competent Authority” is directed to take a decision on such motion in tune with the above noted Scheme as expeditiously as possible.

6. The CRLMP is accordingly disposed of.

7. Urgent certified copy of this order be granted as per rules.

(Biswajit Mohanty)
Judge