

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1721 of 2022

Madhu Meher

....
Petitioner
Mr. P.K. Das, Advocate

-Versus-

State of Odisha

....
Opposite Party
Mr. P.K. Rout, AGA

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
21.09.2022

Order
No.
02.

1. Heard learned counsel for the petitioner and learned counsel for the State.
2. Instant petition under Section 482 Cr.P.C. is filed by the petitioner assailing the impugned order dated 21st January, 2021 passed in S.C. No.82/23 of 2012-2013 pending in the file of learned Assistant Sessions Judge, Kantabanji whereby a prayer for recall of P.W.1 in terms of Section 311 Cr.P.C. was declined.
3. Learned counsel for the petitioner submits that the learned court below committed illegality by having declined recall of P.W.1 who is the informant and therefore the impugned order under Annexure-1 is bad in law and thus deserves to be set aside. It fact, it is submitted that P.W.1 is required to be recalled in order to confirm her about the relationship, she had with the petitioner. According to the learned counsel for the petitioner, said fact could not be

confronted to P.W.1 during her cross-examination and therefore, she is to be recalled. While contending so, a copy of the deposition of P.W.1 is produced before the Court today and the same is perused. From the deposition of P.W.1, it does appear that she has been questioned with regard to her relationship with the petitioner. In other words, P.W.1 was fully cross-examined by the petitioner and thereafter, she was discharged and that apart P.W.1 was examined in the year 2014 and almost after eight years, the petitioner moved the application under Section 311 Cr.P.C. to call her without any plausible explanation offered and rightly, therefore, the learned court below declined it and correctly rejected the move and thus, for the said reason, this Court is not inclined to interfere with the impugned order.

4. Accordingly, it is ordered.
5. In the result the CRLMC stands dismissed.

(R.K. Pattanaik)
Judge