

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLREV No.288 of 2022

Ananda Chandra Dash **Petitioner**

Mr. B.B. Routray, Advocate

-versus-

State of Odisha **Opp. Party**

*Mrs. Susamarani Sahoo,
Addl. Standing Counsel*

**CORAM:
JUSTICE S.K. SAHOO**

**ORDER
18.10.2022**

Order No.

03.

This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

Heard learned counsel for the petitioner and learned counsel for the State.

This revision petition has been filed by the petitioner in challenging the order dated 04.04.2022 passed by the learned Presiding Officer, Special Court under the S.C. & S.T. (PoA) Act, Cuttack in S.T. Case No.13 of 2017 in turning down the prayer for cross-examination of P.W.7 Surya Narayan Barik.

Learned counsel for the petitioner submitted that on 04.04.2022, P.W.7 appeared in Court on receipt of the summons and he was examined in-chief and thereafter, when the petitioner filed a memo

expressing his willingness to cross-examine the witness, the same was turned down. Learned counsel further submitted that P.W.7 is an important witness and his cross-examination is very much necessary otherwise the accused would be seriously prejudiced and the accused intends to engage a counsel and file a petition under section 311 Cr.P.C. to recall P.W.7 for cross-examination and in the interest of justice, the learned trial Court may be directed to allow the petition and fix a date for appearance of P.W.7 for cross-examination. He files the deposition copy of P.W.7 from which it appears that the said witness was not at all been cross-examined. The evidence copy is taken on record.

Learned counsel for the State has no serious objection to such submission.

There is no dispute that the petitioner is facing trial, inter alia, for commission of offence under section 3 of the S.C. & S.T. Act.

After going through the evidence of P.W.7, it is directed that in the event, a fresh vakalatnama is filed on behalf of the petitioner along with a petition under section 311 of Cr.P.C. to recall P.W.7 for cross-examination within a period of two weeks from today, the learned trial Court shall allow such petition and post the case to any suitable date for appearance of P.W.7 for his cross-examination.

Accordingly, the CRLREV is disposed of.

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

(S.K. Sahoo)
Judge

RKM

