

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 1936 of 2022

Rabindranath Ghadei & Others Petitioners
Mr. Deepak Kumar Sahoo, Advocate

-Versus-

State of Odisha Opposite Party
Mr. S.S. Mohapatra, ASC

CORAM:
JUSTICE R.K. PATTANAIK

Order No.

ORDER
03.11.2022

- 03.
1. Heard learned counsel for the petitioners and Mr. Mohapatra, learned counsel for the State-opposite party No.1.
 2. In the present case, the petitioners have assailed the impugned order dated 29th June, 2022 under Annexure-1 and also for analogous hearing of the case and counter case jointly by a single Court on the ground stated there in.
 3. Learned counsel for the petitioners submits that the F.I.R. was lodged against the petitioners is dated 19th April, 2006 registered as Kendrapara P.S. Case No. 120(25) of 2006 of the Section 341/294/323/34 IPC and Section 3 of the SC & ST (PoA) Act whereas the F.I.R. was lodged by them is also the same date registered as Kendrapara P.S. Case No. 121(26) of 2006 registered only for the IPC offences. It is submitted that since the case and counter case arose out of a common cause of action dated 19th April, 2006 and one of the case is before the learned SDJM, Keonjhar and other one before the learned Special court SC & ST Act both should be analogously heard and disposed of which was prayed before the learned court below. However, such a plea was not entertained and consequently, the impugned order under Annexure-1 was passed.
 4. Mr. Mohapatra, learned counsel for the State submits that both the cases are different courts and considering the fact that the case

before the Special Court is at the stage of trial and in that regard a report has been received by the Court, analogous hearing and trial of the cases should not be directed. A status report is at flag-1 which is received from the learned Sessions Judge, Kendrapara. As per the status report in respect of G.R. Case No. 196 of 2006, it is indicated that out of seven charge sheet witnesses five of them have already been examined by the prosecution and one of the witnesses report ... and at present cases posted to 6th March, 2023 for recording of the evidence of the Medical Officer.

5. Learned counsel for the petitioners submits that the case before the Special Court in S.T. Case No. 21 of 2008 is also pending at the stage of trial as some of the witnesses have been examined by the prosecution.

6. Considering the submission of status report as well as recording the submissions of the learned counsel for the petitioners in the present case that S.T. Case No. 21 of 2008 is also at the stage of receiving evidence from the prosecution alike the other case i.e. G.R. Case No. 196 of 2006 which is so reported by the learned SDJM, Kendrapara. The Court is of the considered view that the cases to be tagged together for analogous hearing and disposal as it reitereate to a common cause of action dated 9th April, 2006 which would serve the purpose and meet the ends of justice.

5. Accordingly, it is ordered.

6. In the result, CRLMC stands allowed.

7. Consequently, the impugned order dated 29th June, 2022 under Annexure-1 passed by the learned Sessions Judge, Kendrapara is hereby set aside with a direction that S.T. Case No. 21 of 2008 arising out of Kendrapara P.S. Case No. 120(25) of 2006 and G.R.

Case No. 196 of 2006 corresponding to P.S. Case No. 121(26) of 2006 to be transferred to the file of District & Sessions Judge-cum-Special Court, Kendrapara for analogous hearing and disposal as per and in accordance with law.

8. A copy of the above order be communicated to the learned District & Sessions Judge-cum-Special Court, Kendrapara for compliance.

(R.K.Pattanaik)
Judge

