

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 6049 OF 2020

Kosa Madkami

***..... Petitioner
Mr. P.K. Nanda, Advocate***

-versus-

State of Odisha

***..... Opposite Party
Mr. Karunakar Gaya, ASC***

**CORAM:
JUSTICE V. NARASINGH**

**ORDER
24.06.2022**

**Order No.
08.**

1. This matter is taken up through Hybrid Mode.
2. Heard learned counsel for the petitioner and learned counsel for the State.
3. Taking into account the nature of allegations and that trial of this case has commenced, this Court is not inclined to entertain this Bail Application at this stage. The same is accordingly rejected.
4. Perused the report submitted by the learned Additional Sessions Judge-cum-Special Judge, Malkangiri under Letter dated 03.02.2022. The relevant contents of the said letter is extracted hereunder;

“xxx xxx Out of total 27 charge sheet witnesses, 17 witnesses have already been examined. The case is lingering for the evidence of one Doctor, one Executive Magistrate and Eight no. of police personnel. xxx xxx”

5. The status report prima facie shows that, the case is lingering because of non-cooperation of the official witnesses and such attitude on the part of the official witnesses does not augur well for administration of criminal justice and more so when the petitioner is in custody since 16.04.2019.

6. Hence this Court calls upon the Collector and the Superintendent of Police, Malkangiri to ensure the presence of the witnesses on the date fixed.

7. It shall be open to the learned Court in seisin over the matter to take coercive measures, in the event the official witnesses are not responding to the summons being issued.

7. The learned Court in seisin over the matter shall do well to conclude the trial within a period of four months from the date of receipt/production of the certified copy of this order. Failing which, it shall be open to the petitioner to move this Court afresh.

8. A free copy of this order be made over to the learned Additional Standing Counsel for the State and the Registry is requested to communicate the same to the Collector and the Superintendent of Police, Malkangiri and the Director of Prosecution for compliance.

Balaram

*(V.Narasingh)
Judge*