

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMP No. 1605 OF 2022

Sarbeswar Sethy

..... *Petitioner*
Mr. A. Pattnaik, Advocate

-versus-

State of Odisha & others

..... *Opposite Parties*
Mr. A.K. Nanda,
Additional Government Advocate

CORAM:

JUSTICE BISWAJIT MOHANTY

ORDER
29.08.2022

Order No.

01.

1. Heard Mr. A. Pattnaik, learned counsel for the petitioner and Mr. A.K. Nanda, learned Additional Government Advocate.
2. Mr. Pattnaik submits that after registration of Begunia P.S. Case No.172 of 2022, the petitioner and his family members are living under constant threat from the accused persons. Therefore, he prays that the opposite parties be directed to give the petitioner and his family members adequate protection.
3. Mr. Nanda submits that 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 6.7.2019 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 an 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. Pattnaik 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 grants liberty to the petitioner to approach the “Competent Authority” under Witness Protection Scheme, 2019 in an 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 rule.

(*Biswajit Mohanty*)
Judge