

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**CRLREV No.367 of 2022**

***Tulu Behera***

*....*

***Petitioner***

*Mr. D.R. Swain, Advocate*

*-versus-*

***State of Odisha***

*....*

***Opp. Party***

*Mrs. Susamarani Sahoo*

*Addl. Standing Counsel*

*Mr.J.N. Panda, Advocate*

*(for the informant)*

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

**ORDER  
22.09.2022**

**Order No.**

01.

This matter is taken up through Hybrid Arrangement (Video Conferencing/Physical Mode).

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

The petitioner Tulu Behera has filed this revision petition under section 401 read with section 397 of the Code of Criminal Procedure, 1973 challenging the order dated 21.05.2022 of the learned Addl. Sessions Judge, Koraput in C.T. Case No.23 of 2016 in rejecting the petition filed by the petitioner under section 227 Cr.P.C. for discharge and also framing charges under sections 498-A/294/323/313/

506/377 of the Indian Penal Code read with section 4 of the D.P. Act.

From the impugned order, it appears that the date was fixed to 13.07.2022 and 14.07.2022 for recording evidence of the witnesses and accordingly summons were issued to the witnesses.

When a query was made to the learned counsel for the petitioner as to how many witnesses have already been examined in the learned trial Court, he fairly submitted that three witnesses have been examined so far. However he submitted that the ingredients of offence under section 313 of the Indian Penal Code are not attracted in the factual scenario.

Be that as it may, since the trial has already commenced and the trial Court is supposed to look into the matter at the appropriate stage on the basis of evidence adduced by both the parties, while not inclining to interfere with the impugned order, I direct the learned trial Court to expedite the trial.

Accordingly, the CRLREV stands dismissed.

A copy of the order be communicated to the learned trial Court for compliance.

**( S.K. Sahoo )**  
**Judge**