

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 2267 of 2022

Bijaya Kumar Jena

....

Petitioner

Mr. Nrusingh Ch. Rout, Advocate

-Versus-

State of Odisha and another

....

Opposite Parties

Mr. S.S. Mohapatra, ASC, OP No.1

None for OP No.2

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

08.09.2022

Order No.

01.

1. Heard learned counsel for the petitioner and learned counsel for the State. None appears for the opposite party No.2.

2. Learned counsel for the petitioner submits that an application under Section 311 Cr.P.C. was moved before the learned J.M.F.C., Bhubaneswar, the same was rejected, whereupon, Crl. Rev. No.24 of 2020 was moved, learned 5th Addl. District Judge, Bhubaneswar declined to entertain the same on the ground of maintainability. Learned counsel for the petitioner submits that some relevant questions has to be put, therefore, recall application was moved, but then, learned J.M.F.C., Bhubaneswar rejected the same without any justification. On query about the recording of the questionnaire or question put to the complainant, learned counsel for the petitioner submits that the present petition may be allowed to be withdrawn with liberty to file a fresh application under Section 311 Cr.P.C. and the questionnaire to be filed before the court bellow for consideration.

3. In view of the above submission, the CRLMC stands disposed of granting liberty to the petitioner to file fresh application under Section 311 Cr.P.C. before the learned J.M.F.C., Bhubaneswar along with the questionnaire. On being filed, the court below shall pass appropriate order thereon as per and in accordance with law.

(R.K. Pattanaik)
Judge

U.K.Sahoo

