

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2533 of 2022

Harihara @ Harihar Sahoo and Others Petitioners
Mr. P.C. Jena, Advocate

-Versus-

State of Orissa and Others Opposite Parties
Mr. S. Mishra, ASC
Mr. S. Mohanty, Advocate for O.P.Nos.2 to 7

CORAM:
MR. JUSTICE R.K. PATTANAIK

ORDER
25.11.2022

Order
No.
04.

1. Heard learned counsel for the petitioners, learned counsel for the State-opposite party No.2 and learned counsel for the opposite party Nos.2 to 7.

2. In the instant case, the petitioners have knocked the doors of the Court invoking jurisdiction under Section 482 Cr.P.C. for a common trial in respect of C.T. No.6 of 2022 and C.T. No.7 of 2022 pending in the file of learned S.D.J.M., Athagarh and learned Special Judge under SC & ST (PA) Act, Cuttack on the grounds stated therein.

3. It is submitted by the learned counsel for the petitioners that FIRs have been lodged in respect of a single incident which led to registration of Athagarh P.S. Case Nos.3 and 4 dated 2nd January, 2022, however, corresponding cases in C.T. Case No.7 of 2022 is presently lying before the court of learned Special Judge under SC &

ST (PA) Act, Cuttack and the other one before the learned S.D.J.M., Athagarh.

4. Mr. Mishra, learned counsel for the State doesnot dispute the fact that both the FIRs have been lodged for a single incident. The said fact is also not disputed by the learned counsel for opposite party Nos.2 to 7. The Court on perusal of Annexures-1 and 2 finds that such FIRs lodged by the parties arise out of a common cause of action and incident.

5. Considering the above submissions of the learned counsel for the respective parties, the Court is of the view that since the cause of action is same and counter FIRs are lodged by the parties, an analogous hearing and disposal should be ensured by a single court. In other words, the Court is of the conclusion that the case which pending before the learned S.D.J.M., Athagarh should be transferred to the court of learned Special Judge under SC & ST (PA) Act, Cuttack for a joint and analogous disposal which would serve the purpose and meet the ends of justice.

6. Accordingly, it is ordered.

7. In the result, CRLMC stands allowed with a direction to the learned S.D.J.M., Athagarh to transfer the case record in C.T. Case No.6 of 2022 arising out of Athagarh P.S. Case No.3 of 2022 to the court of learned Special Judge under SC & ST (PA) Act, Cuttack for its analogous hearing with C.T. Case No.7 of 2022 corresponding to Athagarh P.S. Case No.4 of 2022 and in the event, case record is received by the learned Special court, it shall have a joint trial and common disposal as per and in accordance with law.

8. Urgent certified copy of this order be granted as per rules.

(R.K. Pattanaik)
Judge

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