

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2774 of 2022

Rajkishore Agarwal

Petitioner

Mr. P.K. Satpathy, Advocate

-Versus-

State of Odisha

.... Opposite Party

Mr. T.K. Praharaj, SC

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

24.11.2022

Order
No.

01.

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

2. Challenge in the present case is to the impugned order dated 27th August, 2022 in S.T. Case No.19 of 2006 passed by the learned Additional Sessions Judge, Jharsuguda who declined to call for the record in G.R. Case No.394 of 2004 pending in the file of learned S.D.J. M. Jharsuguda.

3. Mr. Satapathy, learned counsel for the petitioner submits that the petitioner applied for the relevant documents as per Annexure-4 but was refused by the learned Sessions court without appreciating it properly and passed the impugned order dated 27th August, 2022 with a conclusion that rejection of such an application by the JIC, Copying Section, Jharsuguda has not been filed and as such, record in G.R. Case No.394 of 2004 cannot be requisitioned as has been prayed for Mr. Satapathy, learned counsel for the petitioner further submits that since the application is still pending with JIC, Copying Section, Jharsuguda the learned Sessions court could not have passed the impugned order under Annexure-1. Mr. Praharaj, learned counsel for the State justifies the impugned order

dated 27th August, 2022 on the ground that there is no infirmity as such while rejecting the plea of the petitioner to call for the case record in G.R. Case No.394 of 2004.

4. At this juncture, Mr. Satapathy, learned counsel for the petitioner submits that the aforesaid fact of application filed and to be pending before the JIC, Copying Section for disposal could not be brought to the notice of the learned Sessions court and therefore, in the facts and circumstances of the case, he may be granted the liberty to file a fresh application in that regard.

5. Considering the above submission and facts on record, the CRLMC stands disposed of with a liberty allowed in favour of the petitioner to move the learned court below by a fresh application filed for calling of the record in G.R. Case No.394 of 2004 and in the event, any such application so moved by him, the learned Additional Sessions Judge, Jharsuguda shall consider same in connection with S.T. Case No.19 of 2006 and pass appropriate order thereon as per and in accordance with law. The learned Sessions court shall pass orders on the fresh application filed by the petitioner without being influenced by rejection vide the impugned order dated 27th August, 2022.

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

(R.K. Pattanaik)
Judge