

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.3043 of 2022

Sridhartha Shankar Ray

....

Petitioner

Mr. S. Panigrahi, Advocate

-Versus-

State of Odisha

....

Opposite Party

Mr. T.K. Praharaj, SC

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

03.11.2022

Order

No.

01.

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

2. Instant petition under Section 482 Cr.P.C. is filed by the petitioner challenging the criminal proceeding in G.R. Case No.1326 of 2003 arising out of Sahid Nagar P.S. Case No.89 of 2003 pending in the file of learned J.M.F.C., Bhubaneswar on the ground that there has been inordinate delay in disposal of the case which has prejudiced him immensely and also violative of his constitutional right to speedy trial.

3. A copy of the FIR is at Annexure-1 and the same is perused. In fact, on a report being lodged, Sahid Nagar P.S. Case No.89 of 2003 was registered under Section 452, 392, 384, 506 read with 34 IPC.

4. Learned counsel for the petitioner submits that the chargesheet was filed in the year 2004 and thereafter cognizance of

the offences was taken in the year 2005 by the court of learned S.D.J.M., Bhubaneswar and but since then, only couple witnesses have been examined from the side of the prosecution. Mr. Panigrahi, learned counsel for the petitioner further submits that out of witnesses so far been examined, P.W.1 is examined in part and is not appearing for quite long time for his further cross-examination. As per Mr. Panigrahi, last witness from the side of prosecution was examined in the year 2012 and since then there has been no visible progress. While claiming so, the order sheets of the learned court below since the time of 2003 and onwards has been referred to which is at Annexure-2 for the Court's perusal.

5. Mr. Praharaj, learned counsel for the State on the other hand submits that admittedly there has been delay to which he fairly concedes, however, submits that direction may be issued to the learned court below to ensure early disposal and closure of the trial.

6. In course of hearing, Mr. Panigrahi, learned counsel for the petitioner submits that the learned court below issued summons to P.W.1 but he did not appear and therefore, the court issued a non-bailable warrant against him which is still pending execution. It is admittedly, a case of considerable delay without any contribution from the side of the petitioner, who has remained present all through ever since the trial commenced. However, having regard to the nature of allegations and the fact that prosecution evidence has already commenced, the Court is of the view that court below should be set with a target to complete the trial and ensure its early closure which would serve the purpose and meet the ends of justice.

7. Accordingly, it is ordered.

8. In the result, CRLMC stands disposed of with a direction to Mr. S. Mishra, learned J.M.F.C., Bhubaneswar to expedite the trial and ensure attendance of prosecution witnesses by taking all necessary steps and suitable and measures and accomplish the closure of trial and disposal of G.R. Case No.1326 of 2003 as soon as possible preferably within a period of four months from the date of receipt of a copy of this order and in any case, not later than 31st March, 2023.

9. A copy of the above order be immediately communicated to the court concerned. A liberty is granted to the petitioner to renew the prayer challenging the criminal proceeding pending before the court below if within the stipulated time, the trial is not concluded.

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

(R.K. Pattanaik)
Judge