

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.3088 of 2022

Gobinda Sahu

....
Mr. Devashis Panda, Advocate

Petitioner

5

-Versus-

State of Odisha

....
Mr.J.Katikia, AGA

Opposite Party

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
07.12.2022

Order No.

03.

1. Heard Mr. Panda, learned counsel for the petitioner and Mr. Katikia, learned AGA for the State.
2. Instant petition under Section 482 Cr.P.C. is at the behest of the petitioner assailing the impugned order dated 14th October, 2022 under Annexure-2 which is with regard to an objection raised for the physical presence of Superintendent of Police, Bolangir inside the court room during and in course of the trial in connection with S.C. No.9 of 2022 corresponding to Sindhikela P.S. Case No.97 of 2021.
3. Perused the copy of the F.I.R. as at Annexure-1 so also the impugned order dated 14th October, 2022 which is at Annexure-2.
4. Mr. Panda learned counsel for the petitioner submits that an application was moved by the petitioner before the learned court below for an order not to allow the Superintendent of Police, Bolangir to sit inside the court hall in course of examination of prosecution

witnesses on the ground that it would influence the proceeding but the same was rejected by the impugned order under Annexure-2.

5. Mr. Panda, learned counsel for the petitioner submits that Superintendent of Police, Bolangir is neither the I.O. nor in anyway involved in the investigation of the case but he is always remaining present in the court hall at the time of examination of the witnesses for the prosecution which should not be allowed in the interest of justice. It is further submitted that since a senior police officer, who is the head of the District Police, remains present at the time of examination of the prosecution witnesses, it is most likely to affect the evidence of the witnesses, who are being tutored by them and therefore, the learned court below should have appreciated the said aspect of the trial and passed an order not for him to be present inside the court hall.

6. Mr. Katikia, learned AGA on the other hand submits that there is no bar for the Superintendent of Police, Bolangir to remain in court at the time of trial and hence, the learned court below did not commit any error or illegality in passing the impugned order under Annexure-2.

7. The Court perused the impugned order as at Annexure-2 and the reason assigned while rejecting the plea of the petitioner to disallow the Superintendent of Police, Bolangir to remain in court at the time of trial.

8. Though the Superintendent of Police, Bolangir is not the I.O. or anyway involved with the investigation with the case, the Court is of the view that he cannot be prevented from being inside the court hall at the time of trial. In fact, no prejudice is shown by the petitioner due to the presence of the Superintendent of Police, Bolangir inside

the court room during and in course of trial. No any instance has been drawn to the notice of the court for the witnesses being affected by the very presence of such a senior police official during trial. In absence of any such material on record and prejudice being shown to the petitioner, the Court is of the view that for the above facts and in absence of any legal bar, the Superintendent of Police, Bolangir cannot be prevented from being physically present during trial which is being conducted in an open court. In order words, the Court does not find any reason or compelling ground to interfere with the impugned order under Annexure-2.

9. Accordingly, it is ordered.
10. Consequently, the CRLMC stands dismissed.

(R.K. Pattanaik)
Judge

