

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.3316 of 2022

Sibaram Ganthia and Others

Petitioner

Mr. A.K. Das-1, Advocate

-Versus-

State of Odisha

.... Opposite Party

Mr. S.S. Mohapatra, ASC

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

17.11.2022

Order
No.

01.

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

2. The limited prayer in the present case is the for a direction to the learned J.M.F.C., Daspalla to conclude the trial in connection with G.R. Case No.26 of 2014 within a stipulated time period on the ground that there has been considerable delay and no real progress has been achieved since 2018.

3. Learned counsel for the petitioners refers to the order sheets of the learned court below from the year 2014 since time the FIR was lodged and the case was registered. It is submitted that in 2018, the informant appeared and moved an application under Section 311 Cr.P.C. and the same was entertained by the learned court below and the witnesses, who had already been examined by the prosecution directed to be recalled for further examination. In fact, according to the learned counsel for the petitioner, the application was under Section 311 Cr.P.C. was entertained at the stage of argument.

4. The learned court below said to have exercised the discretion under Section 311 Cr.P.C and allowed recall and further examination of P.Ws.1,3 to 7 and 12 by order dated 27th June, 2018 on the ground that the same is essential and permissible even at that stage. The said order was not challenged by the petitioners and hence attained finality.

5. Mr. Mohapatra, learned counsel for the petitioner submits that a direction may be issued to the learned court below to complete the trial within a time period.

6. The Court is also view that since the case is of the year 2014, there should be a direction to the learned J.M.F.C., Daspalla to conclude the trial at the earliest which is limited prayer of the petitioners as well.

7. Accordingly, it is ordered.

8. In the result, CRLMC stands disposed of with a direction to the learned J.M.F.C., Daspalla to close the trial in G.R. Case No.26 of 2014 preferably within a period of six months from the date of receipt of the copy of this order unless there is any legal impediment.

9. A copy of this order be immediately sent to the court of learned J.M.F.C., Daspalla for compliance.

(R.K. Pattanaik)
Judge