

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2204 of 2021

Balaram Palei

....

Petitioner

Mr. Raghunath Das Mohapatra, Advocate

-Versus-

State of Odisha

....

Opposite Party

Mr. S.S.Mohapatra, Advocate

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

17.11.2022

Order No.

01.

1. Heard learned counsel for the petitioner, learned counsel for the State-opposite party No.1.

2. In fact, the challenge is as to the framing of charge by the learned court below in connection with G.R. Case No. 168 2011 corresponding Mudulipada P.S. Case No. 13 dated 18th May, 2011 pending in the file of learned SDJM, Malkangiri.

3. Learned counsel for the petitioner does not press the matter on merit but submits that the proceeding is pending before the learned court below since 2011 and there has been no real progress achieved so far and although, the charge is framed in the year 2018, the trial is not yet commenced so, therefore, in order to expedite the trial and its closure, a specific direction may be issued. An objection is received from Mr. Mohapatra learned counsel for the State that the main prayer challenging the framing of charge has been abandoned.

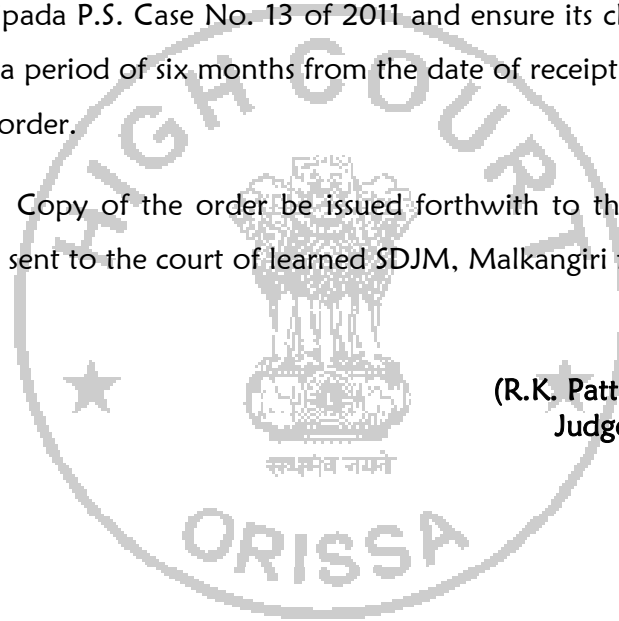
4. Considering the submission of the learned counsel for the respective parties, since the principal prayer is abandoned and not pressed and it is claimed that that the trial which is not yet

commenced should be expedited, the Court is of the view that such a direction is indeed necessary as because the matter is pending since 2011 which is with regard to a dispute between the spouses. In other words, the Court is of the view that a direction in that regard is necessary in the best interest of the parties.

5. Accordingly, it is ordered.

6. Consequently, CRLMC stands disposed of with a direction to the learned SDJM, Malkangiri to immediately commence and expedite the trial in respect of G.R. Case No. 168 2011 corresponding Mudulipada P.S. Case No. 13 of 2011 and ensure its closure preferably within a period of six months from the date of receipt of a copy of the above order.

7. Copy of the order be issued forthwith to the petitioner and also be sent to the court of learned SDJM, Malkangiri for compliance.



(R.K. Pattanaik)
Judge