

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLREV No.490 of 2021

Pidika Sambaru

....

Petitioner

Mr. Saroj Kumar Padhy, Adv.

-versus-

State of Odisha & Anr.

....

Opp. Party

Mr. M.K. Mohanty, ASC

CORAM:

JUSTICE S.K. PANIGRAHI

ORDER

04.03.2022

Order No.

02.

1. This matter is taken up through hybrid mode.
2. Mr. Saroj Kumar Padhy, learned Counsel for the petitioner and Mr. M.K. Mohanty, learned Additional Standing Counsel for the State are present. Judgment prepared in separate sheets is delivered and pronounced in open Court in presence of learned counsels for the parties, and the order is passed accordingly as follows:-
3. In that view of the aforesaid, this Court is of the view that cross-examination of the prosecution witnesses being an essential right of the accused, it is evident that non-cross-examination of the said witnesses will put the petitioner to prejudice. In such circumstances, it is not unjust to afford an opportunity to the petitioner to cross-examine P.Ws.1 to 3 by recalling them.

4. In view of the peculiar facts and circumstances of the instant case, the CRLREV is disposed of directing that the learned Additional District and Sessions Judge (FTSC), Jeypore shall recall P.Ws.1 to 3 and the department shall make all endeavours to produce P.Ws.1 to 3 as early as possible for cross-examination by the petitioner preferably within a period of one month from the date of production of certified copy of this order. After giving the petitioner an opportunity to cross-examine P.Ws.1 to 3, the trial court shall proceed for expeditious disposal of the case. It is further clarified that the Court shall take steps to recall the child witness at one go without disturbing him/her again and again.

5. Accordingly, this CRLREV is disposed of.

(*S.K. Panigrahi*)
Judge

BJ