

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2729 of 2021

Jayanta Panda

....
Mr. Udit Narayan Jena, Advocate

Petitioner

-Versus-

State of Odisha

....
Mr. Tapas Kumar Praharaj, SC

Opposite Party

CORAM:
MR. JUSTICE R.K. PATTANAIK

ORDER
05.12.2022

Order No.

03.

1. Heard learned counsel for the petitioner and learned counsel for the State.
2. The limited prayer in the present case is for a direction to the learned court below to commence the trial in connection with 2(b)C.C. Case No.10 of 2009 at the earliest and ensure its completion as it is pending since 2009 without any progress.
3. A copy of the Offence Report dated 5th May, 2009 is at Annexure-1 which is perused by the Court.
4. Learned counsel for the petitioner submits that since 2009, no progress has been achieved by the learned court below and still trial is to commence. Considering the above prayer, the learned counsel for the State submits that appropriate direction may be issued to the trial court to commence the trial of the case.
5. The Court perused the order-sheets of the court below as at Annexure-2.

6. It is informed that charge is not yet framed by the learned court below.

7. From the order-sheets, it is made to appear that the appearance of the petitioner was awaited for a long time and even a non-bailable warrant of arrest was issued against him. In response to the above, the learned counsel for the petitioner submits that the conducting counsel did not take any step for which learned court below took the coercive action against the petitioner and for that, some amount of delay has been happened.

8. In any view of the matter, considering the materials on record, the CRLMC stands disposed of with a direction to the learned S.D.J.M., Balasore to immediately frame charge in 2(b)CC Case No.10 of 2009 and commence and accomplish the trial as expeditiously as possible preferably within a period of six months from the date of receipt of a copy of this order.

9. Urgent certified copy of the order be issued on proper application.

10. A copy of this order be sent to the learned S.D.J.M., Balasore for immediate compliance.

(R.K. Pattanaik)
Judge