

IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLMC No.2832 of 2021

Sahista Taranum

....

Petitioner

Mr.Priya Ranjan Singh,, Adv.

-versus-

State of Odisha

....

Opposite Party

Mr.M.K.Mohanty,ASC

CORAM:

MR. JUSTICE S.K. PANIGRAHI

ORDER

01.02.2022

Order No.

02

1. This matter is taken up by virtual mode.
2. The petitioner has filed this application seeking direction to the learned J.M.F.C.(R), Cuttack for commitment of the G.R.Case No.1403 of 2019 to the learned Sessions Judge, Cuttack for trial within a stipulated period.
3. Pursuant to the order of this court learned J.M.F.C.(Rural), Cuttack has submitted the status report of the G.R.Case No.1403 of 2019 before this Court on 28.01.2022.
4. Perused the report and the contents thereof is extracted hereunder:

“On 09.08.2019, this case was instituted under Section 498(A)/294/323/313/506/34 of the Indian Penal Code against the accused persons namely Sk.Sadam and four others. On the prayer of the I.O. on 30.08.2019, the statement of the victim under Section 164 Cr.P.C. was recorded. On 26.09.2019, accused persons namely Sk.Nizzsam, Rabia Bibi, Sk.Basar and Musarottum Nisha Bibi @ Saho surrendered before this Court and were released on bail in

obedience to the order passed by the Hon'ble Court in ABLAPL No.1247 of 2019.

In this case, on 20.01.2021 the cognizance of the offence was taken under Section 498-A/294/313/323/354/506/406/34 of the Indian Penal Code read with Section 4 of the D.P.Act against the accused persons namely, Sk.Sadam, Sk.Nizzsam, Rabia Bibi, Sk.Basar and Musarottum Nisha Bibi @ Sabo and the case was adjourned for appearance of the above mentioned accused persons. Thereafter, after submission of charge sheet and taking cognizance, accused namely Sk Sadam surrendered before the Court on 31.08.2021 and in obedience to the order of the Hon'ble High court of Orissa passed in ABLAPL No.12473 of 2021 was released on bail. In the meanwhile all effective steps were taken for appearance of the accused persons before this Court. However, due to surge of COVID -19 pandemic and restriction of Court function, the appearance of the accused persons could not be procured for which the case could not be committed to the Court of Sessions.

Thereafter, I was posted in this Court on dated 24.01.2022. Police paper has also been prepared. At present the case is adjourned to 07.02.2022 for appearance of the co-accused persons and effective and immediate steps are taken for commitment of the case expeditiously.

5. From the above report, it is presumed that the learned court below could not commit the record to the court of sessions due to deteriorated situation of COVID-19. Hence, learned J.M.F.C.(Rural), Cuttack is directed to take appropriate steps to complete the trial preferably within in period of next three months.

6. As the restrictions due to resurgence of Covid-19 are continuing, learned counsel for the parties may utilize a

printout of the order available in the High Court's website, at par with certified copy, subject to attestation by the Advocate concerned with his/her seal, in the manner prescribed vide Court's Office Order dated 7th January, 2022.

(S.K. Panigrahi)
Judge

LB

