IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.3479 of 2024

Niraj Pradhan .... **Petitioner**

Mr. S.D. Mishra, Advocate

-versus-

State of Odisha & another .... **Opp. Parties**

Mr. Tej Kumar, ASC
Mr. A. Rout, Advocate for
O.P. No.2

CORAM:
JUSTICE SIBO SANKAR MISHRA

Order No.	**ORDER** **18.12.2024**
03.	**1.** This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
	2. Heard.
	3. The Petitioner is aggrieved by the order dated 17.05.2024 passed by the learned A.D.J.-cum-Special POCSO, Bhadrak in Special POCSO Case No.63 of 2020, whereby his application under Section 311 of Cr.P.C. for recalling P.W.1 & P.W.2 has been rejected.
	4. Learned counsel for both the parties conjointly submits that the parties have already settled their dispute. The opposite party No.2, who was examined as P.W.1, has filed an affidavit before this Court on 30.08.2024 and the victim has also filed an affidavit dated 30.08.2024. They, *inter alia*, stated that they

have no objection if the application moved by the petitioner under Section 311 of Cr.P.C. is allowed and they are ready and willing to depose before the leaned Court below once again if they are summoned.

5. Regard being had to the statements made by the parties and the affidavits filed by both the witnesses before this Court, I am of the considered view that the petitioner may move a fresh application under Section 311 of Cr.P.C. before the leaned Court below. If such an application is moved, the same shall be considered by the learned Court below on its own merits without being influenced by the order dated 17.05.2024 passed by the learned A.D.J.-cum-Special POCSO, Bhadrak in Special POCSO Case No.63 of 2020.

6. With this observation, the CRLMC is disposed of.

(S.S. Mishra)
Judge

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Reason: Authentication
Location: HIGH COURT OF ORISSA, CUTTACK
Date: 18-Dec-2024 19:35:08