IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.3485 of 2026
CNR No. ODHC010725802026

Subrat Karmi .... ***Petitioner(s)***

Mr. Amitav Tripathy, Advocate

-versus-

State of Odisha .... ***Opposite Party (s)***

Mr. Udit Ranjan Jena, AGA

CORAM:
THE HON'BLE MR. JUSTICE SIBO SANKAR MISHRA

ORDER

Order No. **30.10.2026**

01. **1.** The petitioner has been arrayed as an accused in the F.I.R. in connection with Manamunda P.S. Case No.239 of 2017. After the investigation, the charge sheet has been filed in the present case on 05.04.2018 arraying the petitioner as one of the accused amongst other six accused persons.

2. It appears that the petitioner and two other accused persons remained absconding. However, four accused persons out of seven have faced the trial. The learned Additional Sessions Judge, Kantamal vide its judgment dated 05.08.2024 passed in S.T. Case No.45 of 2018 recorded an acquittal in favour of all the four accused

persons, those who have faced the trial. The petitioner was apprehended and subsequently, the learned trial Court enlarged him on bail on 14.07.2023. Since the trial of the case in so far as the present petitioner is split up, at present he has been facing the trial.

3. Mr. Amitav Tripathy, learned counsel appearing for the petitioner submits that although he has been granted bail, but the charge against him has not yet been framed. At this stage, he has approached this Court seeking quashing of the entire criminal prosecution initiated against him relying upon the judgment dated 05.08.2024 passed by the learned Additional Sessions Judge, Kantamal in so far as the other four co-accused persons are concerned. He has drawn the attention of this Court to the evidence of the witnesses recorded in S.T. Case No.45 of 2018. Particularly, he has drawn the attention of this Court to the evidence of the informant, who has been examined as P.W.23. It appears that the said witness has not supported the prosecution case and has deposed as under:

> *"02. Sujit Pradhan was murdered four years back. I don't know by whom he was murdered. I had lodged F.I.R. This is the said F.I.R. lodged by me already marked as Ext.14 and Ext.14/2 is my signature thereon. I don't know the*

contents of the F.I.R. I have not scribed the same. Police had obtained my signature over the inquest report. This is my signature marked as Ext.1/3. I had taken my brother Sujit to D.H.H., Sonepur where, I had put my signature on a medical report. This is my signature marked as Ext.18.

At this stage learned Addl. P.P. declares the witness hostile and at his oral prayer, he is permitted to examine the witness u/s 154 of Indian Evidence Act.*"*

4. Relying upon the nature of the evidence brought on record by the prosecution in S.T. Case No.45 of 2018, Mr. Tripathy, learned counsel for the petitioner submits that even if the petitioner is put to trial in the present case, it would be a futile exercise. The prosecution cannot secure the conviction. Hence, he submits that his case is covered by the judgments in the cases of ***Gian Singh v. State of Punjab and another,*** reported in ***2012 (10) SCC 303; B.S. Joshi & others v. State of Haryana & another,*** *reported in* ***(2003) 4 SCC 675.***

5. Learned counsel for the State vehemently opposed the prayer made by learned counsel for the petitioner on the ground that the petitioner was an absconder. He also submits that besides the petitioner, the other two accused persons have also successfully avoided the process of the Court till date.

6. Taking into consideration the rival contentions of learned counsel of the parties, I am of the view that the petitioner is already on bail and by surrendering to the jurisdictional Court is facing the trial, it would be appropriate that the learned trial Court shall do well to see that the trial of the case is concluded as expeditiously as possible, preferably within a period of six months from today. It is also desirable that the important charge-sheeted witness cited by the prosecution including the informant shall be preferably examined over the other formal witnesses by the trial court so as to expeditiously dispose the case.

7. With the aforementioned observations, the CRLMC stands disposed of.

(S.S. Mishra)
Judge

Subhasis

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Reason: Authentication
Location: High Court of Orissa, Cuttack.
Date: 31-Oct-2026 15:54:50