IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLMP No.1706 of 2026
CNR No. ODHC010783712026

Babu Khan @ Md Muddasir Khan ..... ***Petitioner***

Represented by Adv.
- Sankar Prasad Padhi

-versus-

State Of Odisha & Another ..... ***Opposite Parties***

Represented by Adv.
– U.R. Jena, AGA

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

ORDER
05.11.2026

Order No.

01. 1. The petitioner is an accused in Dhanupalli P.S. Case No. 161 of 2023, registered on 13.05.2023 for the alleged commission of an offence punishable under Section 302 of the Indian Penal Code, 1860. The petitioner is presently in judicial custody, and the trial of the case is going on.

It is submitted by the learned counsel for the petitioner that, out of 27 witnesses cited by the prosecution, 7 witnesses have already been examined in S.T. Case No. 312/53 of 2023, pending before the learned Additional Sessions Judge, Sambalpur. By filing the present petition, the petitioner seeks a direction for expeditious disposal of the trial. However, no special or exceptional circumstances have been brought to the notice of this Court warranting preferential treatment of the petitioner's case.

2. The mere fact that the petitioner is in custody, by itself, cannot be a sufficient ground for issuing a direction to the learned Trial Court for expeditious disposal of the trial, particularly in the absence of any special circumstances justifying such a direction.

3. However, it is open to the petitioner to move an appropriate application for bail before the competent court, which shall be considered in accordance with law and on its own merits. The submission that some of the witnesses examined have not supported the prosecution case may also be urged before the competent court at the appropriate stage. Nevertheless, in the absence of any exceptional circumstances warranting priority, this Court is not inclined to issue a direction for preferential or expeditious disposal of the trial. Accordingly, this Court finds no reason to entertain the present petition.

4. However, it is open for the petitioner to move an application for bail before the concerned learned Trial Court however, the witnesses not supported the prosecution case. But, no preference will be given to the petitioner and a direction of expeditious disposal cannot be issued. Hence, this Court is not inclined to entertain this petition.

5. In view of the foregoing discussion, the CRLMP is disposed of.

(S.S. Mishra)
Judge

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