IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.3974 of 2026

CNR No. ODHC010832232026

M/s. Rajalaxmi Hatchery .... ***Petitioner(s)***

Mr. Ashok Kumar Das, Advocate

-versus-

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

Mr. Sarathi Jyoti Mohanty, ASC

CORAM: JUSTICE SIBO SANKAR MISHRA

ORDER

19.11.2026

Order No.

01. **1.** Heard.

2. In the present petition, the petitioner is aggrieved by the order dated 07.10.2026 passed by the learned Additional Civil Judge-cum-JMFC, Berhampur in ICC Case No.262 of 2023 under Section 138 of the N.I. Act, whereby his application under Section 311 Cr.P.C. seeking recall of P.W.1., the complainant has been rejected.

3. The learned trial Court has rejected the application of the petitioner primarily on two grounds. Firstly, the petitioner had earlier filed a similar application seeking recall of P.W.1, the complainant, which was rejected by the learned trial Court vide order dated 20.03.2026, and the said order has not been challenged further. However, the petitioner has again filed a similar application under Section 311 of the Cr.P.C. on 07.08.2026. Secondly, the proposed

questionnaires sought to be put to the witness, as enumerated in the application, have already been considered by the learned trial Court, which is of the opinion that the said questions are not relevant to be put to the witness.

4. I have gone through the questionnaires. Nineteen questions have been proposed to be put to the witness. Upon examining the relevancy of the said questions, it is found that, largely, the questions are related to the documents brought on the record but may not be relevant to be put to the said witness on oral examination. Besides, the observation of the learned trial Court that the petitioner had also moved a separate application, which was rejected and the said order has remained unchallenged, assumes importance, particularly in view of the fact that the complaint case (I.C.C. Case No.262 of 2023) was filed in the year 2023 and the mandate of law under Section 143(2) of the N.I. Act is that any such complaint needs to be disposed of within six months. The repeated applications moved by the petitioner for recall of the witnesses appear to be a dilatory tactic adopted by him to prolong the trial. Hence, I am not inclined to entertain the present petition.

5. Hence, the CRLMC is dismissed.

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(S.S. Mishra)
Judge