

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRA No.108 of 1997

*Sankar Purusottam Sethi and
another*

....

Appellants

None

-versus-

State of Orissa

....

Respondent
Mr. S. Patra, ASC

**CORAM:
JUSTICE CHITTARANJAN DASH**

**ORDER
11.09.2023**

Order No.
08.

1. None appears on behalf of the Appellants on call.
2. Learned counsel for the State placed a report purportedly to have been sent by the IIC, GRPS, Rayagada wherein it is reported that the Appellants are not found in the local address, as were staying pursuant to the eviction by the Railway authority.
3. It is unfortunate that the IIC, who steps into the shoe of the Investigating Officer who has since been transferred/retired, submitted a vague report which has a great consequence. On the basis of the report, if any order is passed by this Court, would be attributed to the IIC affecting his career. This is because the IIC did not even hesitate to take time to ensure the presence of the Appellants whose permanent address is very much there. There is absolutely nothing appears from the report that a thorough search has been made in all possible places to get the whereabouts directly or through relatives. On the contrary, the report to the effect that "Nobody knows where about the appellants" would render the case against the State and the IIC shall be held responsible for the

same. It is, therefore, directed that necessary steps be taken by the concerned IIC to ensure the presence of the Appellants since the matter can't otherwise be disposed of. Shirking responsibility by sending only a report of the above kind without suggesting the remedy or step taken in the matter would prove abortive.

5. List this matter on 16th October, 2023.

6. A free copy of this order be supplied to the learned counsel for the State for reference and compliance.

(Chittaranjan Dash)
Judge

AKPradhan

