



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.274 of 2026

*Lagnajit Pattanayak &
Ors.*

....

Petitioner(s)

*Mr. S. Mohanty, S.K. Patnaik,
A.S. Mohanty, S. Mohapatra, Adv.*

-versus-

State of Odisha & Anr.

....

Opposite Party(s)

Ms. Gayatri Patra, ASC

*Mr. S. Mohapatra, Sai Subham,
S.S. Das, Adv. (for O.P. No.2)*

CORAM:

HON'BLE DR.JUSTICE SANJEEB K PANIGRAHI

Order No.

03.

ORDER

27.02.2026

1. This matter is taken up through hybrid arrangement.
2. As per order dated 12.02.2026, this Court appointed Ms. Samapika Mishra, learned counsel, as Amicus Curiae to argue the case on behalf of victim/Opposite Party No.2.
3. Perused the Office note, wherein it is mentioned that a letter has been received from the victim/Opposite Party No.2 requesting not to change the counsel.
4. In view of the above, the earlier engaged counsel shall represent the Opposite Party No.2.
5. The Petitioners have filed the present CRLMC under Section 482 of Cr.P.C., seeking quashing of the order dated



05.01.2026 passed by the learned Addl. Sessions Judge-cum-P.O., Spl. Judge under POCSO Act, Baripada in G.R. Case No.1430 of 2013.

6. Heard learned counsel for the respective parties.

7. Learned counsel for the Petitioners submits that upon completion of the prosecution evidence, the Petitioners entered upon their defence and examined Petitioner No.1 as D.W.1 and Petitioner No.2 as D.W.2. Consequent upon the closure of defence evidence, the learned trial Court posted the matter for final arguments. However, at the stage when the case was fixed for arguments, the prosecution filed an application seeking permission to exhibit the HSCE certificate of Opposite Party No.2. The learned trial Court, by allowing the said application, permitted the document to be brought on record and marked the same as Exhibit P-28. Learned counsel contends that such a course adopted by the trial Court, after the closure of both prosecution and defence evidence and when the matter had already reached the stage of arguments, amounts to reopening the evidentiary stage of the trial, which has caused serious prejudice to the defence.

8. Learned counsel for the Petitioners further contends that after marking of the HSCE Certificate as exhibit P-28, the D.O.B. of the victim is shown as 01.05.1994, which was corroborated by the P.Ws.3, 4 and 5 during their



examination, stating that, on the date of the incident the victim was below 18 years of age. In view of the alleged contradiction between the date of birth mentioned in the FIR and the date of birth reflected in Ext. P-28, the Petitioners filed an application before the learned trial Court asserting that the victim girl was born at Betnoti Community Health Centre and that the birth register maintained by the said authority would be of considerable importance. It was further submitted that unless the said register is called for and the Medical Officer, C.H.C. Betnoti is summoned to produce the same and adduce evidence on that aspect, there cannot be a fair adjudication of the case so far as it relates to the exact date of birth of the victim girl is concerned.

9. Learned counsel for the Petitioners further submits that the prosecution filed its objection to the said petition contending that an application seeking to call for the birth register from the C.H.C., Betnoti at the stage when the matter has already been posted for arguments is not maintainable in law. It was further urged by the prosecution that the HSCE Certificate of Opposite Party No.2, which had been seized during investigation, has already been produced and exhibited in the case and, therefore, no further documentary evidence is required to be summoned on that aspect. The prosecution accordingly



contended that the petition filed by the defence is wholly unnecessary and intended to protract the proceeding. It was, however, submitted that in the event the learned trial Court is inclined to allow such a prayer, the prosecution must also be afforded a fair opportunity to adduce rebuttal evidence so as to meet the materials sought to be introduced by the defence.

10. Learned counsel for the Petitioners further contends that while rejecting the petition, the learned trial Court has observed that for the purpose of determination of the age of a minor, the date of birth recorded in the school admission register or the matriculation certificate issued by the concerned examination board carries the highest evidentiary value. Proceeding on such premise, the learned trial Court held that since the matriculation certificate of the victim girl is already available on record and has been exhibited on behalf of the prosecution, the age of the victim can adequately be ascertained from the said document itself. Consequently, the Court was of the view that summoning the Medical Officer of C.H.C., Betnoti or calling for the birth register maintained by the said authority would serve no meaningful purpose and would amount to a futile exercise.

11. The learned trial Court further observed that the case pertains to the year 2013 and has already remained pending



for a considerable length of time. In such circumstances, entertaining the petition at the stage when the matter has been posted for final arguments would only result in reopening the evidentiary stage of the trial and unnecessarily prolong the proceedings, which the Court deemed undesirable in the interest of expeditious disposal of the case. Learned counsel for the Petitioners further contends that the age of the victim girl as reflected in Ext. P-28 shows the date of birth as 01.05.1994, as issued by the BSE, Odisha. However, according to the Petitioners, the date of birth entered in the Register of the CHC, Betnoti, where the victim girl was allegedly born, would be of great significance in arriving at a definite conclusion regarding the exact date of birth, which is crucial for proper adjudication of the case. It is further contended that since the trial Court permitted the prosecution to mark the HSCE Certificate as exhibit P-28 at the stage of arguments, the Petitioners ought to have been afforded an opportunity to disprove or contradict the entry made therein in order to ensure a fair trial. In the absence of such opportunity, the impugned order under Annexure-4 is liable to be quashed.

12. Learned counsel for Opposite Party No.2 submits that the prosecution has already brought on record a valid and admissible document pertaining to the age of the victim, which has been duly proved and marked as an exhibit



before the learned trial Court. It is contended that once such documentary evidence has been formally admitted and forms part of the evidentiary record, there remains no legal necessity to summon additional documents or authorities for the same purpose. According to the learned counsel, the evidentiary value of the document already exhibited is sufficient for the Court to arrive at a conclusion regarding the relevant fact in issue, and any further attempt to call for additional records at the belated stage of the trial would be wholly unwarranted and would only serve to protract the proceeding.

13. After hearing the learned counsel for the respective parties and upon a careful perusal of the materials available on record, this Court is of the considered view that the prayer to recall or summon the Medical Officer of C.H.C., Betnoti and to call for the birth register maintained therein, at this advanced stage of the proceedings, would serve no meaningful purpose. The record reveals that the matriculation certificate of the victim has already been brought on record and duly exhibited before the learned trial Court. In law, the date of birth reflected in a matriculation certificate issued by the competent examination board is ordinarily accorded primacy as a reliable document for the purpose of determination of age. In such circumstances, permitting the summoning of



additional records relating to the same issue, when the matter has already reached the stage of final arguments, would not materially assist the adjudication of the case and would only result in reopening the evidentiary stage of the trial. The prayer, therefore, appears more in the nature of a tactical endeavour to protract the proceedings rather than a bona fide attempt to bring forth any indispensable evidence. Accordingly, this Court finds no justifiable reason to accede to the said request. Accordingly, the CRLMC being devoid of merit, stand dismissed.

14. Pending application (s), if any, shall stand disposed of

15. Interim order, if any, stands vacated.

16. Issue urgent certified copy of this order as per Rules.

(Dr. Sanjeeb K Panigrahi)
Judge