



IN THE HIGH COURT OF ORISSA AT CUTTACK
TRPCRL No.7 of 2025

Gopal Agrawal

....

Petitioner

Mr. Sudeep Kumar Sarangi, Advocate

-versus-

State of Odisha

....

Opposite party

Mr. Anshuman Sethy, Additional Standing Counsel

CORAM:

HON'BLE MR. JUSTICE MURAHARI SRI RAMAN

Order No.

01.

ORDER

24.01.2025

This matter is taken up through Hybrid Mode.

2. Mr. Sudeep Kumar Sarangi, learned counsel appearing for the petitioner submitted that the matter arises out of one incident, and involves case and counter case. The charge-sheet have been submitted to be tried for offences under Sections 147, 148, 341, 323, 294, 325, 354, 307 and 149 of the IPC in one PS Case and the other is triable for offences under Sections 341, 294, 323, 324, 326, 506 and 34 of the IPC.

2.1. He submitted that while C.T. Case No.543 of 2018 is triable by Judicial Magistrate First Class, Nuapada, the other one being C.T. Case No.542 of 2018 is committed to the Court of Sessions as offence *inter alia* related to Sections 307/149 of the IPC. He has made a prayer before the learned Sessions Court and the Sessions Judge, Nuapada has rejected the prayer for transfer of the case pending before the Judicial Magistrate First Class, Nuapada (JMFC). He places reliance on a Judgment of Hon'ble Supreme Court in the case of *State of Madhya Pradesh Vrs. Mishrilal and others* (2003) 9 SCC 426. Referring to paragraph 8 of the said



judgment, he submitted that grave miscarriage of justice would be ensued, if both the cases are not tried in one Court, *i.e.*, the learned counsel Additional Sessions Judge, Nuapada.

3. At this stage, Mr. Anshuman Sethy, learned Additional Standing Counsel seeks short accommodation to examine the applicability of the said reported judgment to the facts of the case.

4. List this matter on 18.02.2025.

5. The petitioner is at liberty to file application seeking adjournment of the proceeding, which may be considered by the concerned Court(s) for deferring further proceeding beyond 18.02.2025.

(M.S. Raman)
Judge

Suchitra