



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLA No.248 of 2025

Aditya Narayan Sahu* *Appellant(s)

Mr. Dipti Ranjan Mohapatra, Advocate
-versus-

State of Odisha* *Respondent(s)

Mr. Partha Sarathi Nayak, AGA

CORAM:

HON'BLE MR. JUSTICE S.K. SAHOO
HON'BLE MR. JUSTICE S. S. MISHRA

ORDER

04.08.2025

Order No.

04.

This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

As per the order dated 08.05.2025, learned counsel for the appellant filed 161 Cr.P.C. statements of the two witnesses, namely, Anil Nayak and Santosh Sabat.

On perusal of the their statements, it appears that they were the eye witnesses to the occurrence and in the charge-sheet dated 07.05.2009, which is annexed to the Criminal Appeal Memo as Annexure-2, the names of those two eye witnesses found place as C.S.W Nos.7 and 8. From the order-sheet of the trial court, it appears that on 27.11.2024, the SR of Anil



Nayak and Sunil Panigrahy were back after affixture service and accordingly, the learned trial Court directed for issuance of fresh summons. However, on 10.12.2024, the Additional Public Prosecutor filed a memo to decline the eye witnesses and closed the prosecution evidence.

Learned counsel for the appellant submits that no reason has been assigned for declining the two eye witnesses to the occurrence and that was one of the main reasons on the part of the learned trial Court to pass the judgment and order of acquittal in favour of the respondent Nos.2, 3 and 4. He further submits that had those two witnesses been examined and supported the prosecution case, the result of the trial would have been otherwise. According to the learned counsel for the appellant, the act of the Public Prosecutor in declining the eye witnesses is totally unfair and it has caused serious prejudice to the appellant-informant in the present case.

Heard.

Admit.

Call for the trial Court records.

Issue notice to the respondents.

Learned counsel for the State accepts notice for the respondent No.1.

So far as the respondent Nos.2 to 4 are



concerned, requisites for issuance of notice with proof of delivery shall be filed within a week. The notice shall be made returnable within four weeks.

Issue warrant of arrest against respondent Nos.2 to 4 as per Section 390 of Cr.P.C. (Section 431 of BNSS) indicating therein that if they appear before the learned trial Court within a period of four weeks from the date of receipt of notice, they shall be released on bail on such terms and conditions, as the learned trial Court deemed, fit and proper. Learned trial Court shall intimate this Court about the release of the respondent Nos.2 to 4 on bail.

Learned counsel for the State shall also obtain instruction in the meantime that in view of the order of acquittal passed by the learned trial Court in declining the eye witnesses to the occurrence whether the State is contemplating to file any appeal challenging the order of acquittal.

Put up this matter in the week commencing from 15th September, 2025.

(S.K. Sahoo)
Judge

(S.S. Mishra)
Judge