

IN THE HIGH COURT OF ORISSA AT CUTTACK

FAO No. 301 of 2018

State of Odisha and another *Appellants*
Mr. Arnav Behera, A.S.C.
-versus-

Karna Mohanta and another *Respondents*
M/s. Umakanta Sahoo, Advocate & Associates

**CORAM:
THE CHIEF JUSTICE**

Order No.

ORDER
26.06.2023

03. **I.A. No.1600 of 2019**

1. In view of the judgment dated 25th February, 2021 in *State of Odisha v. Bichitrananda Mohapatra 2021 (I) OLR- 664*, the order in question passed in the FAO is hereby recalled and the corresponding FAO is restored to file. The I.A. is accordingly disposed of.

FAO No.301 of 2018

2. Issue Notice. Learned counsel appearing for Respondent No.1 accepts notice. Learned counsel for the Appellants shall serve an extra copy of the present appeal on the learned counsel appearing for Respondent No.1 within three days.

3. Notice to Respondent No.2 be issued by Speed/Registered Post with A.D., making it returnable before the next date. Requisites be filed

within three working days. The tracking report be placed on record before the next date.

4. It is pointed out that the present appeal is required to be allowed in view of the judgments of the Supreme Court of India in ***State of Odisha v. Anup Kumar Senapati (2019) 19 SCC 626***, judgment dated 29th October, 2021 of the Division Bench of this Court in W.A. No.401 of 2021 (***Secretary, Government of Odisha v. Jashobanta Baral***) and the judgment of the learned Single Judge dated 7th February, 2023 in FAO No.659 of 2014 (***State of Odisha v. Minaketan Behera***).

5. Learned counsel for the parties shall examine the above judgments and make submissions on the next date.

6. List along with FAO No.491 of 2019 on 17th July, 2023.

(Dr. S. Muralidhar)
Chief Justice

S.K. Guin