



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.885 of 2026

*Basudev Behera & Anr.* .... *Petitioner(s)*  
*Mr. Debasnan Das, Adv.*  
*Miss Adyashakti Priya, Adv.*  
-versus-  
*State of Odisha* .... *Opposite Party(s)*  
*Smt. Sarita Moharana, Adv.*

**CORAM:**

**HON'BLE DR.JUSTICE SANJEEB K PANIGRAHI**

**Order No.**

01.

**ORDER**

**24.03.2026**

1. This matter is taken up through hybrid arrangement.
2. In filing this CRLMC, the Petitioners against whom the allegation of assaulting the husband of the informant is made, have prayed for quashing the impugned order dated 12.02.2026 passed by the learned Additional Sessions Judge, Jagatsinghpur in S.T. Case No.164/04 wherein the petition at the instance of the Petitioners for issuance of summons to the defence witnesses named therein for their testimonies, has been rejected.
3. Heard.
4. Challenging the impugned order dated 12.02.2026, learned counsel for the Petitioners submits that though there is requirement of examination of the defence witnesses whose names are reflected in the petition rejected vide impugned order dated 12.02.2026, for



proper and effective adjudication of the dispute involved in this matter, the learned Court in *seisin* over the matter did not pay any attention to the grounds taken by the Petitioners in the said petition and rejected the same. She, accordingly, prays for allowing the prayer made in this CRLMC.

5. At this juncture, learned counsel for the State submits that the above noted S.T case has been pending since 2004. She further contends that the Petitioners are only attempting to linger the said proceeding by filing frivolous petitions. She also contends that due to such activities of the Petitioners trial in the above noted case is running in a senile pace which is not conducive to the criminal justice system. She, accordingly, prays for dismissal of this CRLMC.
6. Considering the submissions made on behalf of both the parties and looking to the impugned order dated 12.02.2026, this Court finds that while deciding the above noted petition the learned Court in *seisin* over the matter had framed the following issues for determination:-
  - a. That the application is not intended for vexation or delay in proceeding;
  - b. That the evidence of the witness/ witnesses sought to be summoned is relevant to the case and *sine qua non* for just decision of the case;



It further appears that on hearing both the parties and looking to the grounds taken in the said petition, the learned Court in *seisin* over the matter declined to entertain the said petition with the following observation:-

*“if the above points are found to be negative the Court is yet within its remit to issue summons to defence witnesses.*

*In the present case examination of the accused persons u/s. 313 of Cr.P.C was made on dtd.25.11.2025. Thereafter the case record was posted for defence evidence on dtd.02.12.2025. ON several occasions, the learned defence counsel sought adjournment seeking to adduce defence evidence and ultimately filed the present petition on dtd.13.01.2016 i.e. after a gap of about 2 months. Besides that nothing has been mentioned in the petition as to why examination of the witnesses is necessary or how their evidence would be relevant to the present case.*

*Keeping in view the aforementioned discussion, the petition filed on behalf of the accused persons, sans any merit, stands rejected.”*

7. The above noted proceeding has been pending since 2004. In the meantime, more than twenty years have already elapsed. In the said petition, it was not mentioned as to why examination of the said witnesses are necessary or how their evidence would be relevant to the present case. This Court, therefore, does not find any flaw in the impugned order dated 12.02.2026. Accordingly, this Court declines to entertain the prayer made in this CRLMC.



8. This CRLMC is, accordingly, dismissed.

*(Dr. Sanjeeb K Panigrahi)*  
*Judge*

*Ayaskanta*